



HOUSE OF COMMONS

## Guide for select committee members

# Guide for select committee members

Many members find select committee work a particularly rewarding part of their time in Parliament. Within the framework established by the House, select committees are able to decide for themselves their methods, focus and level of work. In recent years committees have become more assertive, taking on additional roles – such as holding pre-appointment hearings for major public appointments – and beginning to explore new approaches to public consultation and engagement, for example, through the internet. This guide has been produced to enable individual members to make the most of these opportunities.

The permanent staff of the committees are completely politically impartial. Some of them have assisted in preparing this guide. Their job is to make committees as effective as possible in doing the task given to them by the House. Although the clerk and other members of the committee team naturally work closely with the chair, they are there to serve every member of the committee and will be happy to discuss any aspect of its work. My colleagues and I who supervise them are also available if you require advice. Our contact details are listed at the back of the guide.

We revise this guide at least once a Parliament; please get in touch if you have suggestions which would improve it.

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Clerk of Committees  
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# Contents

<b>The scope of select committee activity</b>	<b>3</b>
Committees related to government departments	4
Other select committees	5
General committees	8
Recent changes	8
<b>Setting up committees</b>	<b>10</b>
Declaration of interests	10
First meeting	12
Committee chairs	13
<b>Committee staff</b>	<b>14</b>
Media and Communications Service	16
<b>Committee meetings and inquiries</b>	<b>17</b>
Powers	18
Attendance	18
Parliamentary privilege and sub judice	18
Freedom of Information Act 2000	19
Choice of inquiries	20
Launching inquiries	23
Overlap	24
Evidence sessions	24
Committee papers	26
Broadcasting	28
Transcripts of evidence	28
Study visits	29
Information about the committee's work	30

<b>Reports</b>	<b>31</b>
Government replies	33
Debates	33
<b>Further reading</b>	<b>35</b>
<b>Appendices</b>	<b>36</b>
A Extracts from the Guide to the Rules relating to the Conduct of Members	36
B Extracts from the first report of the Select Committee on Members' Interests, session 1990-91	39
C Avoidance of Conflict of Interest	44
D Confidentiality of papers	48
E Departmental evidence and response to select committees	50
F Confidentiality of select committee proceedings	51
Contact details	53

## The scope of select committee activity



Select committees are appointed by the House to consider particular subject areas. They deliberate in private and usually take evidence in public. Most of them do not have any executive powers, but make reports to the House containing their opinions (in the form of recommendations to the Government or others, and conclusions), based on the evidence which they have taken. They are different from public bill committees and other ‘general’ committees ([see p.8](#)), which proceed primarily by formal debate, and which always meet in public.

The range of select committee activity is considerable, covering the work of every government department, the European Union, and cross-cutting issues such as human rights and the environment. It also extends to the procedures and administration of the House.

### **Committees related to government departments**

A key part of the framework for the accountability of Ministers and their departments to Parliament is provided by the select committees related to government departments. Their formal terms of reference are “to examine the expenditure, administration and policy” of the relevant departments (including their executive agencies), and of “associated public bodies”. The system has developed substantially since its creation in 1979, both in range and scale of work (see [the Core Tasks below, p.22](#)).

The 19 departmental committees are:

- **Business, Innovation and Skills**
- **Communities and Local Government**
- **Culture, Media and Sport**
- **Defence**
- **Education**
- **Energy and Climate Change**
- **Environment, Food and Rural Affairs**
- **Foreign Affairs**
- **Health**
- **Home Affairs**
- **International Development**
- **Justice**
- **Northern Ireland Affairs**
- **Science and Technology**
- **Scottish Affairs**
- **Transport**
- **Treasury**
- **Welsh Affairs**
- **Work and Pensions**

## Other select committees

Cross-cutting committees have responsibilities extending across all government departments:

The **Committee of Public Accounts** examines reports from the National Audit Office on the economy, efficiency and effectiveness of government departments and other bodies. About 50 of these reports are taken up by the Committee each year, either by taking oral evidence or, occasionally, by sending written questions to the government departments concerned. The Committee seeks to draw lessons from past successes and failures, on subjects as diverse as the reorganisation of neonatal services, reducing violent crime and pensions regulation.

The **Environmental Audit Committee** monitors the contribution made by government departments and agencies to environmental protection and sustainable development. Its 2009-10 inquiries focused particularly on policy responses to climate change but also included inquiries into air quality and 'Green jobs and skills'.

The **Public Administration Committee** examines the reports of the Parliamentary Commissioner for Administration and the Health Service for England (the "Ombudsman"), which are laid before the House, and related matters. The Committee also considers issues relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

The **Political and Constitutional Reform Committee** is charged with considering political and constitutional reform. It has been appointed for the duration of the current Parliament.

The **Committees on Arms Export Controls** (the 'Quadripartite Committee') consist of four select committees meeting and working together: the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees. Together these four Committees examine the Government's expenditure, administration and policy on strategic exports, that is the licensing of arms exports and other controlled goods. Each Committee nominates four members, though any member of the four committees may attend. The Quadripartite Committee generally undertakes a single inquiry each year which typically examines exports over the preceding year and developments in export policy.

Other committees have **legislative scrutiny** roles. Some of these are Joint Committees, i.e. they include members of both the House of Commons and House of Lords.

The **European Scrutiny Committee** assesses the political and/or legal importance of European Union documents, and decides which should be debated in European Committee or on the floor of the House. The ‘scrutiny reserve resolution’ passed by the House, although not formally binding, constrains UK Ministers from agreeing to EU decisions in advance of proposals being cleared by the Scrutiny Committee or any debate it recommends taking place, though with exceptions (eg if the proposals are confidential, routine or trivial). The Committee also acts as a source of analysis and information, by reporting in detail on each document it judges to be important (about 500 a year), and monitors business in the European Council and wider relevant legal, procedural and institutional developments in the European Union.

The **Joint Committee on Human Rights** considers human rights issues in the United Kingdom as well as human rights implications of bills.

The **Regulatory Reform Committee** scrutinises government proposals for legislative reform orders under the Legislative and Regulatory Reform Act 2006 and considers matters relating to regulatory reform.

The **Joint and Select Committees on Statutory Instruments** examine delegated legislation to ensure that it is properly drafted and within the powers granted by the parent statute.

The **Joint Committee on Consolidation &c. Bills** has a technical remit to ensure that Bills which rationalise and tidy up legislation do only that, and do not introduce new legal provisions.

There are also a number of **internal committees** which are concerned with the House's own methods of work.

The **Liaison Committee** is composed of all the chairs of select committees. It considers general matters relating to select committees and their work, including the choice of committee reports to be debated in the House and in Westminster Hall and the allocation of funds for overseas travel. Since 2002 it has taken oral evidence from the Prime Minister at least twice a year. The Committee has produced a series of reports on the committee system, recommending greater powers and a set of core tasks which apply particularly to departmental committees (see p.22).

The **Procedure Committee** considers, and makes recommendations on, the practice and procedure of the House.

The **Committee on Standards and Privileges** considers specific matters relating to privileges referred to it by the House; oversees the work of the Parliamentary Commissioner for Standards; and considers matters relating to the conduct of Members, including specific complaints referred to it by the Commissioner in relation to the registration or declaration of interests and breaches of the Code of Conduct. It also reviews from time to time the form and content of the Register of Members' Financial Interests (and the other registers established by the House) and the Code.

The **Committee of Selection** appoints members of public and private bill committees and committees on delegated legislation, and proposes for the approval of the House the names of Members to serve on most select committees.

The **Administration Committee**, together with the **Finance and Services Committee**, advises the House of Commons Commission on the services provided for Members.

Ad hoc committees increasingly have been used to consider draft legislation. These have included the Joint Committees on the draft Human Tissue and Embryos Bill, the draft Climate Change Bill and the draft Constitutional Renewal Bill.

## General committees

The House also appoints general committees, which can be divided into four categories: those appointed to consider public bills; those appointed to consider delegated legislation; those appointed to consider European documents recommended for debate by the European Scrutiny Committee; and the Scottish, Welsh and Northern Ireland Grand Committees. They work in a different way from select committees, being essentially ‘debating’ rather than ‘investigatory’ committees. Further information can be found in the publication *Business of the House and its Committees: a short guide*. This also contains guidance on the various committees which deal with private legislation, for example the Standing Orders Committee and the Committee on Unopposed Bills.

## Recent changes

At the end of the last Parliament the House agreed various changes to its procedure in the light of recommendations made by the House of Commons Reform Committee. The main changes affecting select committees were:

- Election by the House by secret ballot of the chairs of select committees related to government departments, the Environmental Audit Committee, the Select Committee on Public Administration, the Committee on Public Accounts, and the Select Committee on Procedure.<sup>1</sup>

<sup>1</sup> The Select Committee on Political and Constitutional Reform was added on 7 June 2010.

- Discretionary power for the Speaker to propose that a member who has attended fewer than 60 per cent of formal meetings in a session be replaced on a committee.
- Replacement of term “chairman” by “chair”.

The House also endorsed the principle that parties should elect members of select committee in a secret ballot by whichever transparent and democratic method they chose.



## Setting up committees

Once the House agrees to appoint members to a select committee, the first meeting of the committee is summoned by the chair elected by the House or, in the case of committees whose chairs are not elected by the House, by the Member who has served longest in the House, irrespective of continuity of service.

A typical first meeting agenda would include:

- Declaration of interests
- Election of chair (where chair is not subject to election by the House)
- Introduction to the committee staff
- Administrative points: when the committee should meet each week, appointment of specialist advisers, whether evidence is generally to be heard in public, etc.
- Discussion of options for possible inquiries.

## Declaration of interests

**There are long-standing requirements for Members to register and declare any financial interests they have which may affect, or be thought to affect, their official duties, including their committee work. Immediate past interests, expected future interests and indirect financial interests are included in the obligation to declare even though they do not need to be registered.**

[Appendix A](#) to this document sets out the part of the Guide to the Rules which deals with the declaration of interests in select committees. [Appendix B](#) contains extracts from a 1991 report by the Select Committee on Members' Interests. These extracts provide guidance on the scope, timing and form of, and responsibility for, declaration. Other key sections deal with occasions when Members should withdraw from committee proceedings, and procedures prior to the election of a chair. In November 2003 the Committee on

Standards and Privileges produced new guidance on the avoidance of conflict of interest, which forms [Appendix C](#) of this document. In 1995 the House passed a resolution banning paid advocacy. The second part of [Appendix A](#) sets out the guidelines on its application provided by the Committee on Standards and Privileges and reproduced in the Guide to the Rules.

**If, after reading these documents, and consulting the full Code, copies of which have been distributed to all Members by the Parliamentary Commissioner for Standards, Members require further detailed guidance, this should be sought from the Commissioner or the Registrar of Members' Financial Interests.**

Most of the rules about interests relate to financial interests, but there are occasions when non-financial interests may need to be disclosed (see [Appendix B, paragraph 12](#)). These might include strong personal interests relevant to a particular inquiry, e.g. in the case of a Member who is a school governor in a committee which undertakes an inquiry into school governance. These declarations may be made in private deliberative session but are also appropriately made in public before questioning of witnesses begins.

The Guide to the Rules notes “Where the subject matter of an inquiry of a select committee is of direct concern to an outside body in which a Member has a pecuniary interest, the Member must consider whether on grounds of conflict of interest it is proper to take part in the inquiry.

The Member must also consider whether the relationship of his or her interest to the subject of the inquiry is so close that it is not possible to participate effectively in the inquiry without crossing the borderline into advocacy.”

## First meeting

Some key points, which are particularly relevant to the first meeting of a committee, are set out below.

- The clerk of the committee writes to all Members before the first meeting asking for a list of their interests (see Appendix B, paragraph 25). In the case of Members returning at the beginning of a Parliament, the last register of the previous Parliament is available on the Internet, and entries from this (updated as necessary) can be used for returning Members. The declarations will be circulated before the committee meets. The procedure is not necessary in the case of committees of a wholly procedural nature.
- Members will be asked at the beginning of the first meeting if they have anything to add to or change in the information about their interests which has been circulated. They will also be asked whether they have interests which may not be registrable, but are declarable (see Appendices A, B and C).

For Committees without chairs elected by the House the second task after declarations of interest is the choice of a chair. These select committees are free to choose their own chair but there is an understanding between the parties about which party will provide the chair for a specific committee.

If **only one candidate is proposed for the chair**, he or she takes the chair without further formality; if there is **more than one candidate**, the clerk will put the names to the committee in the order in which they have been proposed, and debate may take place. As soon as one of the proposals has been agreed to, no further question is put. It is in order for a Member to propose, and/or vote for, himself or herself as chair.

## Committee chairs

Once chosen, the chair remains in office for the remainder of the Parliament, unless he or she resigns, leaves the committee or ceases to be a Member of the House, or the committee agrees (with notice) a motion of no confidence in him or her (under Standing Order No 122C). On occasions **when the chair is absent for all or part of a meeting**, the committee chooses a temporary replacement.

However, the House's decision as to who should chair the committee cannot be set aside temporarily by a committee. The chair can only be taken by another member if the person elected as chair by the House is not present. It is not permissible for a committee to resolve that another member of the committee chair a particular inquiry.

Since late 2003 chairs of departmental and certain other committees have been paid an additional sum to reflect their increased workload. The House has resolved that there should be no question of, or appearance of, double payment from a chair's salary and an outside interest. This means that it is not appropriate for a chair to accept payment (as distinct from reimbursement of expenses incurred) in respect of anything such as a talk, address, interview, article, book review, contribution to a book, or media appearance, etc, where the relevant invitation has been extended to the Member in his or her capacity as, or primarily because he or she is, chair of the select committee.

Members elected as chairs by the House do not assume their full position (and thus do not receive the additional salary) until they have a committee to chair – i.e. when the members have been nominated by the House.

Further guidance for chairs on the avoidance of conflicts of interest, prepared by the Standards and Privileges Committee, is appended ([Appendix C](#)).

## Committee staff

The permanent staff of the committee are:

- members of the House of Commons service, not civil servants
- strictly non-partisan.

Their job is to help make the committee as effective as possible in doing the task given to it by the House. Although they naturally work closely with the chair, they are there to serve every member of the committee.

The usual structure of a committee team is set out in the box below:

**Clerk of the Committee:** often a Deputy Principal Clerk (the equivalent of Band 1 of the Senior Civil Service). The Clerk's responsibilities are: parliamentary and committee procedure, management of the committee staff, helping the committee plan and carry out its programme of work, identifying witnesses, providing briefing and research and drafting reports.

**Second Clerk:** deputises for the Clerk and takes responsibility for some of the committee's inquiries.

(possibly) an **Inquiry Manager:** takes responsibility for certain inquiries.

**Committee Specialists:** may be employed by the House or seconded from the National Audit Office, the civil service or local government to provide analysis and briefing, and manage certain inquiries.

A **Media Officer** (shared with other committees): gives advice on and assistance with liaison with the media.

A **Senior Committee Assistant, Committee Assistant and Committee Support Assistant** together act as administrators, organising evidence sessions and visits, processing and publishing evidence and reports, and managing the committee's records.

Committees also have power to appoint **specialist advisers**; these are not permanent members of staff, but outside specialists paid by the day. They are often, but not always, academics, and are appointed either generally or to assist with particular inquiries. They support the clerk as the head of the committee's staff. Committees can also make use of the resources of the Committee Office's **Scrutiny Unit**, first set up in 2002, which consists of specialists with particular expertise in expenditure, estimates, social policy and performance measurement. The legislation team in the Unit also provides support to public bill committees when they take oral and written evidence, and to joint committees appointed for the purpose of scrutinising draft legislation. A modest budget is also available for committees to commission their own research.

Committee staff are supervised by one of the Department's **principal clerks** (normally one of the three Principal Clerks of Select Committees), under the overall control of the Clerk of Committees.

Members who have any questions, suggestions or complaints about the operation of their committee should take these up with the clerk of the committee in the first instance. The principal clerks are always ready to talk to the chair and members of committees about any matter affecting committee work. Contact details for the Clerk of Committees and the Deputy Head of the Committee Office are at the end of this guide.

## **Media and Communications Service**

In 2004 a centrally co-ordinated Media and Communications Service (MCS) was established which:

- promotes better public understanding of, and engagement with, the role of the House and its committees
- provides a media service for journalists and serves as a central point of contact for media enquiries
- provides media and communications advice and support to all House departments and committees
- works with officials across both Houses to improve public information and access.

For the select committees the Media and Communications Service aims to deliver and sustain:

- media coverage which consistently reflects the priorities and requirements of individual committees
- stronger and broader public awareness and understanding of the role of select committees in scrutinising government, and of the work of individual select committees
- media coverage which emphasises the ways in which select committees are authoritative, independent, impartial and influential.

The five Select Committee Media Officers (SCMOs) support the work of select committees by:

- providing strategic and tactical advice and support to committees on media-related aspects of their work
- publicising evidence sessions and reports
- liaising with lobby journalists and specialist correspondents to improve awareness of committee work and to highlight and explain the main themes of published reports or evidence sessions
- developing media best practice across a range of committees.

## Committee meetings and inquiries

Select committees can decide for themselves whether to take evidence in public or private.

In practice, most committees agree at the beginning of each Parliament that they will **take evidence in public, making exceptions if necessary for evidence of a particularly sensitive nature**. They are not authorised by the House to deliberate in public.

There is no fixed time set for committee meetings. Many select committees agree to meet at regular times each sitting week. Most committees also have power to meet during recesses if Members are available. Meetings that include hearing witnesses usually last for between 90 minutes and three hours.

There are a variety of **committee meeting rooms** available in the Palace itself (on the main and upper committee corridors), and in Portcullis House. Some committees have a 'favourite room', but final allocation is not within the control of committees and depends on the number of meetings taking place at the time, and which committees are being televised.

Select committee meetings are less formal than debates in the House or in public bill committees; Members speak seated and refer to each other by name; and jackets may be removed. Select committees are empowered to make an explicit decision to allow the use of laptop PCs and PDAs (with certain constraints). Food and drink (other than water) are, however, not allowed in committee rooms, and mobile phones should be switched off or silent.

Every committee has a **quorum** (for a departmental select committee

of 11 members this is three, including the chair), without which no formal business can be conducted. Members are asked to inform committee staff if they cannot attend a meeting, particularly one at which evidence is to be taken or a report formally considered.

Many committee decisions are reached without a formal vote; if, however, a formal division is required, the clerk reads the names, and Members call “aye” or “no”; the chair has a vote only in the event of a tie. He or she is not constrained by precedent in how this casting vote is used. Any such formal votes are set out in the committee’s formal minutes which are prepared by the clerk and published on the internet.

## **Powers**

The formal powers of a select committee to require written and oral evidence (termed calling for “persons, papers and records”) are extensive, but are rarely used and do not apply to the Government or to Members of either House. The Government has published its rules for dealing with requests for evidence from committees (the ‘Osmotherly Rules’) which the House has noted.

## **Attendance**

In line with a recommendation by the Committee on the Reform of the House of Commons, the Speaker has been given the discretionary power to invite the Committee of Selection to propose that a member who has attended fewer than 60 per cent of formal meetings in a session be replaced on a committee.

## **Parliamentary privilege and sub judice**

Parliamentary privilege applies to everything said by Members

and witnesses during the formal proceedings of a committee i.e. formal committee meetings and reports, and means that Members and witnesses cannot be sued or prosecuted for what they say. Parliamentary privilege also means that it is a contempt of the House to 'interfere' with a witness, for example for an employer to sack an employee for something they have told a committee; and privilege also protects the staff of a committee in carrying out the committee's instructions.

A **press conference** is not a formal proceeding of the committee and therefore parliamentary privilege does not apply. Members should be on their guard against saying anything potentially defamatory.

Although witnesses are not normally examined on oath, deliberately misleading a committee would be a serious contempt of the House.

Select committees, like the House, are expected to refrain from taking public evidence, or commenting in a report, on **matters currently before a court**. This restriction is set out in the House's *sub judice* resolutions (printed in the back of the House's Public Business Standing Orders).

## **Freedom of Information Act 2000**

The Freedom of Information Act applies to the House of Commons, and therefore to its committees. Committees routinely publish reports and oral and written evidence and also information about their work in the Sessional Returns and in their formal minutes. However, two exemptions from disclosure apply to certain parliamentary material, as set out in sections 34 (parliamentary privilege) and 36 (prejudice to effective conduct of public affairs) of the Act.

## Choice of inquiries

Except in very rare cases when the House refers a particular subject to a select committee, committees are **free to choose any subject within their order of reference**.

Some inquiries are very short, with perhaps only one day's evidence; committees sometimes hold such hearings without intending that the evidence should lead to a report. Other inquiries will last several months and involve as many as ten or fifteen oral evidence sessions. Committees have to balance the desirability of taking oral evidence from a wide range of witnesses with the need to prevent the inquiry going on so long that it ceases to be topical.

Most committees can choose to establish a **sub-committee** to consider a particular issue and report to the committee as a whole.

The Liaison Committee issued a set of **core tasks** for committees in June 2002 on the basis of a resolution of the House of 14 May 2002.

The Committee stated in its 2007 Annual Report that:

*“the core tasks represent guidance to committees, not a rigid blueprint. It is important that committees retain the right to choose their own inquiries and have the ability to adapt their work programme at short notice, eg. in response to urgent political events. ... Nevertheless, experience shows that the core tasks framework has encouraged a methodical approach to scrutiny, and helps ensure that all areas of departmental work are covered by committees”.*

Departmental and some other committees make a **sessional report** on the work they have done on each core task, which forms the basis of the Liaison Committee's Sessional Report. Information about committees, including the number of meetings, reports and cost of

visits, also appears in the annual Sessional Return.

In January 2005 the House agreed that copies of **public petitions** received by the House should be sent to the relevant departmental select committee at the same time as they are sent to the relevant government department. Government observations, or notifications received by the Journal Office that no observations are to be made, are placed on the agenda of the relevant committee. It is up to the committee to decide whether to take further action.

## Select committee core tasks

### **Objective A: to examine and comment on the policy of the department**

**Task 1** To examine policy proposals from the UK Government and the European Commission in Green Papers, White Papers, draft guidance etc, and to inquire further where the Committee considers it appropriate.

**Task 2** To identify and examine areas of emerging policy, or where existing policy is deficient, and make proposals.

**Task 3** To conduct scrutiny of any published draft bill within the Committee's responsibilities.

**Task 4** To examine specific output from the department expressed in documents or other decisions.

### **Objective B: to examine the expenditure of the department**

**Task 5** To examine the expenditure plans and out-turn of the department, its agencies and principal NDPBs.

### **Objective C: to examine the administration of the department**

**Task 6** To examine the department's Public Service Agreements, the associated targets and the statistical measurements employed, and report if appropriate.<sup>1</sup>

**Task 7** To monitor the work of the department's Executive Agencies, NDPBs, regulators and other associated public bodies.

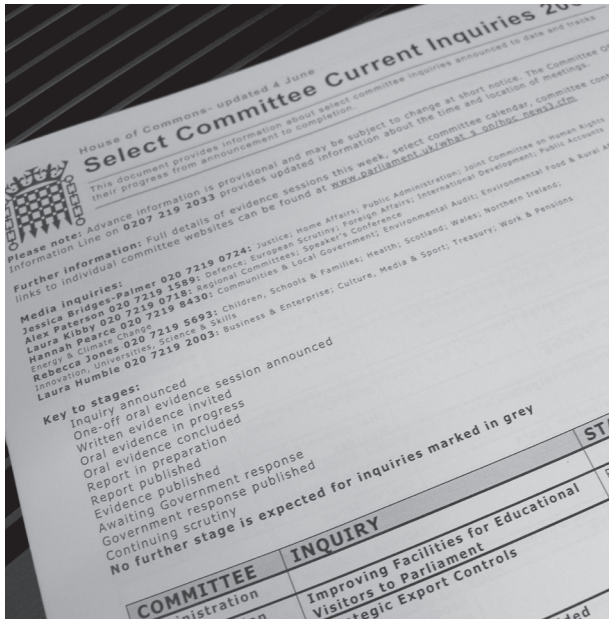
**Task 8** To scrutinise major appointments made by the department.

**Task 9** To examine the implementation of legislation and major policy initiatives.

### **Objective D: to assist the House in debate and decision**

**Task 10** To produce reports which are suitable for debate in the House, including Westminster Hall, or debating committees.

<sup>1</sup> Departments will move to publishing information on performance against new indicators in Business Plans.



## Launching inquiries

When a committee has decided on an inquiry it usually announces this in a press notice which, frequently, will include an invitation to potential witnesses to send written evidence. Committees decide which witnesses to invite to give oral evidence; these will normally include either officials or Ministers from the appropriate government department.

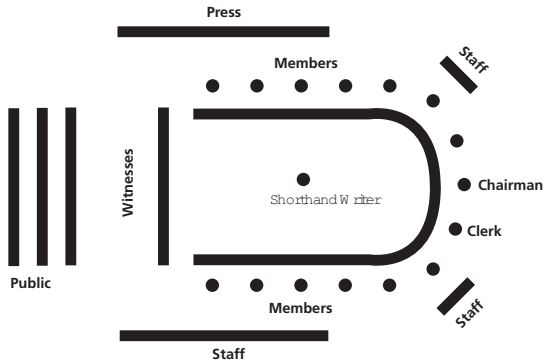
It is often helpful to agree a reasonably detailed description of the **terms of reference** of the inquiry or to identify a number of “key questions”, although extra subjects may arise during the course of the inquiry and the terms of reference can be changed.

**Press notices** are sent to the press gallery and to those who have expressed an interest. They are also available on the committee’s website.

## Overlap

Committees may find that a subject which they wish to pursue **overlaps** with the remit of another committee. This often happens if a subject has implications for Scotland, Wales or Northern Ireland as well as England, but can also happen with other subjects. Chairs or clerks of the committees will discuss how to proceed, and usually the other committee concerned will consent to the overlapping inquiry; committees have powers to exchange papers with each other; and on subjects which concern two or more committees more directly, there is the possibility of joint evidence sessions, possibly leading to a report approved by both committees.

## Evidence sessions



Arrangement of the committee room when taking evidence

The committee staff prepare and circulate a **brief** before each evidence session. This brief will normally contain background information for the evidence session and suggested lines of questioning Members may wish to pursue, and will indicate which written memoranda are of particular relevance to the session. The brief is not intended to be prescriptive. It is written in order to help the committee get the information it needs for its report and to give shape to the evidence session.

The brief does not limit questioning. Members can suggest questions to the staff in advance if they would like to have them included or arrange with the chair to ask questions which are not on the brief. Many committees agree on the structure of the questioning in advance so as to make best use of the time available, perhaps deciding which Members will lead on particular subjects.

Because any report should be based firmly on evidence taken by the committee, the primary purpose of evidence sessions should be to put questions to witnesses in order to obtain information and views which will be useful for the committee's report. The expression of Members' own views, and particularly discussions between Members, should therefore be reserved for private deliberative sessions before or after formal evidence is taken.

Committees sometimes agree to send witnesses written questions in advance of the oral hearing (rather than the more usual practice of simply asking for written evidence), and can also agree to ask for further information afterwards, particularly if a witness has been unable to provide information asked for at the hearing.

Committees often authorise their staff to provide an informal indication of probable lines of questioning to witnesses before they appear, to ensure that the information required by the committee is available at the meeting.

## Committee papers

### Circulation

**Non-urgent select committee papers** are posted to Members, who should give any special instructions to committee staff (for example if envelopes are to be marked so that they are not forwarded to the constituency). Members should also ensure that the instructions are not inconsistent with those given to the post office about forwarding parliamentary mail.

**Papers too urgent to post** are usually delivered to the letterboard in the Members' Lobby, where each committee has a pigeonhole. Members are asked to glance at the pigeonhole whenever they pass, as the lights on the main letterboard are not lit to indicate that committee post is awaiting collection. Circulation of papers normally takes place on a regular day or days each week. Committee staff are happy to use e-mail for appropriate documents. **It is the responsibility of Members to ensure the security of papers received by post and e-mail.**

Committee teams can be asked to send papers via a named person on a Member's staff, who is responsible to the Member for respecting their confidentiality. Such arrangements would not cover draft reports or other sensitive papers. These are circulated to Members personally in double envelopes, and are not sent by e-mail.

### Confidentiality of committee papers and proceedings

Papers received by committees, and the details of committees' private discussions, are confidential to the committee until and unless they are published as evidence or made public in a report. Papers relevant to a particular public evidence session are often made available to the press and public at that session, and may then be treated as public. Indeed it is open to the committee to agree to publish a paper at any time or to give witnesses permission to publish evidence themselves, but in the absence of such a decision Members, staff and specialist advisers are under an obligation to treat select committee papers as confidential. **Members are responsible for ensuring that their own staff respect the confidentiality of any committee papers to which they are given access.**

**Disclosure of a document which has not yet been formally 'reported' to the House - in particular of a draft report, or of an agreed report before it has officially been made to the House - is a contempt of the House.** The House has approved a report from the Committee on Standards and Privileges which made clear that any disclosure of a draft report, even to another Member of the House, was unacceptable, and any Member not on the committee or any civil servant receiving such a draft report is under an obligation to make no use of it and return it to the clerk at once. Extracts from this report, and earlier guidance from the Liaison Committee, are set out in Appendices D, E and F to this guide. **The Speaker has also deprecated the disclosure of the contents of reports after they have been made formally to the House but prior to publication.**

Where a committee, having held an initial investigation, believes that the premature disclosure of a committee document has seriously affected its work (as would often be the case, for example, if a draft report were disclosed) it may make a special report to the House saying so (after consulting the Liaison Committee). Such a report is automatically referred to the Committee on Standards and Privileges to undertake an inquiry into what happened, and recommend what action the House should take. **Reports from that Committee have led to the House taking action against Members, including a period of suspension from the House.**

Evidence received in connection with particular inquiries is often numbered in a separate series. For ease of reference, the series may include background material already published elsewhere and correspondence, as well as formal written evidence. Some committees may deal with papers with an official government security classification or a marking such as "commercial in confidence". Special arrangements are made for these papers, which will be explained by the committee clerk.

## Broadcasting

If an evidence session is held in public, the broadcasting organisations may decide to record it for television broadcast. These decisions are made on the Thursday of the previous week and may result in changes to the rooms in which committees are to meet. Only the Standards and Privileges Committee can prevent the televising of its public meetings. Press conferences may also be televised.

All public meetings of committees are **webcast** live on [www.parliamentlive.tv](http://www.parliamentlive.tv). The webcasts can be either full video or audio only and are available from the on-demand archive for the following 12 months.

## Transcripts of evidence

All the questions and answers in an evidence session are taken down under arrangements managed by the Official Report (Hansard), which is also responsible for reporting debates in the House and in public bill committees.

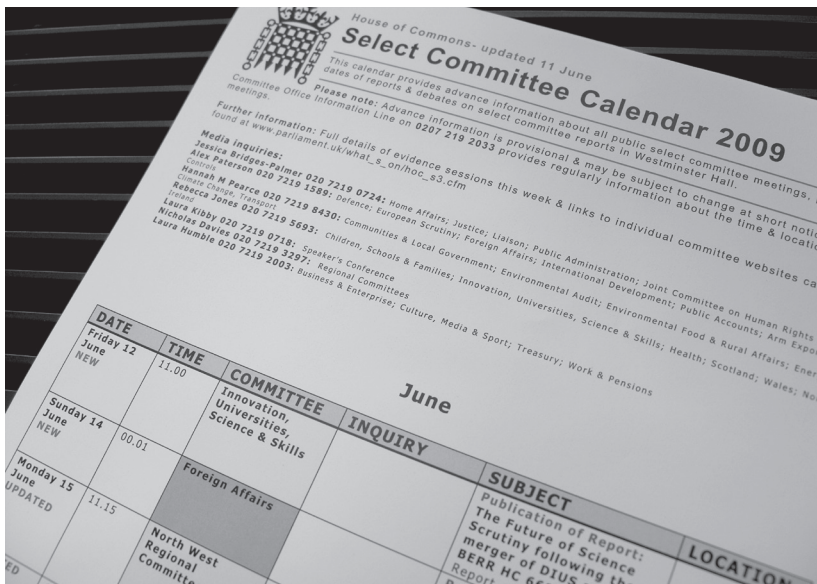
Committees place uncorrected versions of the **transcripts of evidence** sessions on the **committee's website** as soon as they become available (normally within two or three days of the meeting). These are also circulated to Members, who may send any corrections to the clerk for the final version, which is normally printed with the committee's report. Copies are also sent to witnesses for their corrections.

When evidence has been taken in private, it is often published in full or in part, but the witnesses are given an opportunity to indicate which parts they would prefer not to be published on grounds of security or commercial confidentiality, and the committee then considers these requests.

## Study visits

Committees may decide that they should undertake a visit as part of an inquiry, either to see things for themselves or to hold informal discussions with the widest possible range of interested people. It is also possible to hold formal evidence sessions away from London, although this is less often done abroad.

Committees which have power to travel may undertake visits within the United Kingdom without any separate authorisation of the visit or of the cost involved. Subject to certain conditions, the same is also true of visits to European Union institutions in Brussels, Luxembourg or Frankfurt, or to a session of the European Parliament in Strasbourg. Committees wishing to undertake other **overseas visits** need authority from the Liaison Committee (see p.7), which is responsible for allocating the annual budget for such visits, set by the House of Commons Commission.



The committee needs to be able to justify the visit and present a budget based on the number of Members and staff proposing to take part. The Liaison Committee has made various rules about overseas visits, including that:

- they are usually limited to a working week
- the inquiry must already have begun and at least one session of oral evidence have taken place
- Members going on a visit must attend for the whole visit
- Members' staff/partners may not accompany them.

It is also possible for a select committee to meet away from Westminster to hold a **private seminar**, either at the beginning of an inquiry or to discuss the committee's work and programme more generally. Expenditure on such seminars needs the approval of the Liaison Committee.

### **Information about the committee's work**

Each committee has its own website, maintained by its staff, within Parliament's site at [www.parliament.uk](http://www.parliament.uk). This includes contact details, a list of the committee's membership and staff, information about current inquiries, press notices, past reports and evidence including uncorrected pre-publication texts of oral evidence from witnesses.

Details of current inquiries and meetings are also published in a Select Committee calendar and list of current inquiries, which are available on the Parliamentary website as follows:

#### **Select Committee calendar:**

[www.parliament.uk/what\\_s\\_on/hoc\\_news3.cfm](http://www.parliament.uk/what_s_on/hoc_news3.cfm).

#### **List of current inquiries:**

[www.parliament.uk/what\\_s\\_on/hoc\\_news4.cfm](http://www.parliament.uk/what_s_on/hoc_news4.cfm).

## Reports



When an inquiry is drawing to a close, the committee will normally hold a deliberative meeting to discuss the content of the report, possibly coming to a provisional conclusion about any particular issues which have arisen. The clerk may provide a document (often called a **“heads of report”**) suggesting a possible structure and identifying questions which the committee may wish to resolve.

The clerk will then be asked to prepare a draft for the chair, who, having considered it, will present an approved text to the committee as the **chair’s draft report**.

If there is disagreement within the committee, other members may wish to propose amendments to the chair’s draft report. Members have also prepared alternative draft reports, although this is comparatively rare. The clerk’s advice is available to all members of the committee in drafting amendments or alternative draft reports.

The clerk will aim to circulate a marshalled list of any amendments which have been received in advance.

**The committee will often consider the chair's draft report informally before a final, formal consideration at which votes can be taken.** If necessary, the committee can vote on whether to consider the chair's draft report or an alternative one. Any draft report or amendment which has been formally considered but not agreed to will be published in the minutes of proceedings appended to the approved report. This is the procedure for recording minority views: formal minority reports as such are not permitted.

During formal consideration the committee cannot go back on its decisions; therefore to allow themselves some flexibility most committees attempt to reach a consensus on as much of the text as possible during informal consideration, and identify those passages on which a formal vote may be required, before embarking on the formal consideration.

When the committee has agreed to a report, a formal record of the fact appears in that day's Votes and Proceedings (the official record of the House's decisions); the committee will decide when the report is to be published and whether to hold a press conference. Committees may also authorise the distribution, up to 72 hours in advance of publication, of **embargoed** (confidential) **copies of the report** to the press and to witnesses (members of the committee can also receive these).

The time taken to publish reports is set out in a contract between the House and the Stationery Office (TSO). Staff will advise members of the printing timetable for a particular report.

The final version of the report is made available on the committee's website. It is also available from the Vote Office (for Members and parliamentary staff), the Parliamentary Bookshop and TSO shops.

## Government replies

The Government will normally make a **response to a select committee report**, either publishing it itself (as a Command Paper) or sending a memorandum to the committee, which can be published as a special report (simply saying, in effect, “we have received the following reply ...”), although the committee can publish the response with further comments or take further evidence.

The Government has undertaken to reply within two months of the publication of the report, when possible, but may seek the committee’s agreement to allow a longer period. In some cases where a report has recommendations affecting a body outside Government (for example the Bank of England) responses will be received from more than one source. It is sometimes convenient for the committee to publish such responses together. The Government’s replies to reports from the Committee of Public Accounts are published as Treasury Minutes (which are Command Papers).

## Debates

A committee may wish to seek a debate in the House about one of its reports: this would normally be after the government reply has been published.

Three “**estimates days**” are available each session for discussing one or more committee reports on the floor of the House on a motion to approve a related estimate of government expenditure. There are also regular opportunities for committee reports to be debated in **Westminster Hall**, usually on Thursday afternoons.

In addition, it is open to a committee to ask for one of its reports to be mentioned on the **Order Paper** as relevant to a debate, for example the second reading of a bill. Such a mention is referred to as a “tag”, and it is subject to the approval of those in charge of the relevant business (normally the Government, but the relevant opposition party or private Member if the motion is being debated on an opposition day or is private Member’s business).



## Further reading

Other documents which Members may find useful are:

- *Business of the House and its Committees: a Short Guide*
- *The Code of Conduct and the Guide to the Rules relating to the Conduct of Members*, HC 351, Session 2004-05
- *House of Commons Standing Orders Relating to Public Business*, HC 700, Session 2010-11

The Liaison Committee has produced a number of reports on the select committee system including:

- *Shifting the Balance: Unfinished Business*, HC 321, Session 2000-01
- *Independence or Control? The Government's Reply to the Committee's First Report of Session 1999-2000 – Shifting the Balance: Select Committees and the Executive*, HC 748, Session 1999-2000
- *Shifting the Balance: Select Committees and the Executive*, HC 300, Session 1999-2000

Its most recent reports on scrutiny are:

- *Pre-appointment hearings by select committees*, HC 384, Session 2007-08
- *Parliament and Government Finance: recreating financial scrutiny*, HC 426, Session 2007-08
- *Financial Scrutiny: Parliamentary Control over Government Budgets*, HC 804, Session 2008-09
- *Rebuilding the House: Select Committee Issues*, HC 272, Session 2009-10

The Liaison Committee's *Sessional Reports* provide a useful overview of select committee practice. The most recent covers session 2008-09 (HC 426, Session 2009-10)

The Reform of the House of Commons Select Committee produced two reports relevant to select committees:

- *Rebuilding the House*, HC 1117, Session 2008-09
- *Rebuilding the House: Implementation*, HC 372, Session 2009-2010

# Appendices

## Appendix A

### Extracts from the Guide to the Rules relating to the Conduct of Members, HC 841 (2001-02)

#### Declaration of interest in Select Committees

[65] Members of Select Committees on any matter or Bill are bound by the Resolution of the House of 13th July 1992 which approved certain paragraphs of a Report by the Select Committee on Members' Interests relating to the financial interests of Chairmen and members of Select Committees. The main provisions are:

- before the Committee proceeds to the election of a Chairman all Members nominated to serve upon a Select Committee are required to send to the Clerk of the Committee details of any pecuniary interests for circulation to the Committee under the authority of the senior Member before its first meeting. The procedure is not necessary in the case of Select Committees of a wholly procedural nature. [Paragraph 25]

- “when a member of a Committee, particularly the Chairman, has a pecuniary interest which is directly affected by a particular inquiry or when he or she considers that a personal interest may reflect upon the work of the Committee or its subsequent Report, the Member should stand aside from the Committee proceedings relating to it.” [Paragraph 24]

.....

- “A Member should make a declaration of interest at an early stage in any inquiry to which that interest particularly relates. If the interest is especially relevant to one witness or group of witnesses appearing before the Committee, the interest should be declared again at the appropriate session of evidence”. [Paragraph 13]
- A Member is required to “declare an interest when asking any questions which relate directly, or which might reasonably be thought by others to relate directly, to the pecuniary interest he or she holds ... Such a declaration must be made irrespective of any declaration having been made at an earlier meeting of the Committee”. One such declaration is sufficient for any questions asked of the same witnesses during one evidence Session. [Paragraph 13]

- “Although the main purpose of declaration of interest is to inform colleagues, it is right that witnesses and the public, if the Committee is meeting in public, should also be informed. When a Committee meets in public, declaration of interest should be in public Session. When a Committee meets in private and regularly takes oral evidence, declaration should be made when witnesses are present.” [Paragraph 13]
- “In making any declaration a Member should clearly identify the nature of the pecuniary interest. The form in which a declaration of interest is made, and its extent, must be primarily for the individual Member.” A casual reference is not sufficient. “A Member should make a declaration in clear terms and should ensure that such a declaration is entered in the Minutes of Proceedings of the Committee.” [Paragraph 14]
- It is “perfectly acceptable for a Member, when declaring an interest which is registered in the Register of Members’ Interests ... to refer to his or her entry in the Register”. [Paragraph 16]
- “we stress the importance of declaration when relevant and of declaring a pecuniary interest at the moment when it is most appropriate to do so. We do not wish to create a situation where the proceedings of Committees are frequently interrupted by declarations of tangential relevance to what is being considered ... the interests that a Member is required to register may not be at all relevant to his or her work on the Select Committee and consequently may never need to be declared during its proceedings.” [Paragraph 16]

**[66]** Where the subject matter of an inquiry of a Select Committee is of direct concern to an outside body in which a Member has a pecuniary interest, the Member must consider whether on grounds of conflict of interest it is proper to take part in the inquiry. The Member must also consider whether the relationship of his or her interest to the subject of the inquiry is so close that it is not possible to participate effectively in the inquiry without crossing the borderline into advocacy.

### **Guidelines on the application of the ban on lobbying for reward or consideration**

**[76]** If a financial interest is required to be registered in the Register of Members’ Interests, or declared in debate, it falls within the scope of the ban on lobbying for reward or consideration. The Committee on Standards and Privileges has provided the following Guidelines to assist Members in applying the rule:

1. Parliamentary proceedings: When a Member is taking part in any parliamentary proceeding or making any approach to a Minister or servant of the Crown, advocacy is prohibited which seeks to confer benefit exclusively upon a body (or individual) outside Parliament, from which the Member has received, is receiving, or expects to receive a pecuniary benefit, or upon any registrable client of such a body (or individual). Otherwise a Member may speak freely on matters which relate to the affairs and interests of a body (or individual) from which he or she receives a pecuniary benefit, provided the benefit is properly registered and declared.

2. Constituency interests: Irrespective of any relevant interest which the Member is required to register or declare, he or she may pursue any constituency interest in any proceeding of the House or any approach to a Minister or servant of the Crown, except that:

- where the Member has a financial relationship with a company in the Member's constituency the guidelines above relating to parliamentary proceedings shall apply;
- where the Member is an adviser to a trade association, or to a professional (or other representative) body, the Member should avoid using a constituency interest as the means by which to raise any matter which the Member would otherwise be unable to pursue.

## **Appendix B**

### **Extract from a Report of the Select Committee on Members' Interests, HC 108 (1990-91)**

#### **The Interests of Chairmen and Members of Select Committees**

##### **Introduction**

##### **Resolutions of the Defence Committee**

1. On 14 March 1990 the Select Committee on Defence agreed to a resolution requesting your Committee:

- “(1) to elucidate the rules, practices and conventions currently governing the declaration of interests by Members of select committees in relation to:
- (a) a particular inquiry undertaken by a committee; and
  - (b) the general work of a committee;
- (2) to consider what rules, practices and conventions should govern the declaration of such interests;
- (3) to consider what rules, practices and conventions should govern the holding by members of a select committee of interests within the ambit of that select committee's terms of reference;
- (4) to consider whether any of the rules, practices or conventions referred to above should be the same for a Chairman of a select committee as for its members.”

On 28 March 1990 the same Committee passed a further resolution:

“That this Committee:

noting that a potential conflict of interest could arise as a result of the impossibility of committee members distinguishing between experience gained from their privileged access to detailed and sensitive information and that gained in the normal course of parliamentary work;

noting also that committee members acquire further privileged information as a result of publicly funded visits in the United Kingdom and abroad;

urgently requests the Select Committee on Members' Interests to report on those matters referred to it by this Committee on 14 March before the House rises for the Whitsun recess.”

We also received individual representations from Mr Dick Douglas, Member for Dunfermline West, at that time a member of the Defence Committee.

### **Scope of declaration**

10. We accept the argument that, to avoid confusion, it is desirable, at least for the time being, that the criteria for declaration of interest in select committees should continue to be the same as those for declaration of interest in debate in the House or in standing committee. As we have previously announced, we intend this session to undertake a broad review of the rules relating to declaration and registration. We would not, therefore, propose any alteration to the scope of the interests which Members should declare in select committees at this stage, except in one minor respect described in paragraph 12.

11. Nevertheless, we would draw the attention of present and future members of select committees to the terms of the resolution to which the House agreed in 1974, and urge them to consider whether they believe that, in respect of those present and future inquiries that their committees may undertake, they are conscientiously meeting the requirements of that resolution. It should be noted that the resolution refers to past and potential relevant pecuniary interests as well as current interests. We would advise Members to be particularly vigilant in declaring any pecuniary interest which is relevant to any recommendation the committee may subsequently make. They should also declare any pecuniary interest which they have which might reasonably be thought by the House or by the general public to be relevant to the committee's work. We would also remind Members that one of the purposes of declaration of interest is to avoid any accusation of unavowed motive. When in doubt, Members may wish to take the view of their committee colleagues on whether to make a formal declaration.

12. The one minor change in practice we propose arises from a letter from the Chairman of the Environment Committee who gave an apposite example of where a non-pecuniary interest of a Member related so closely to an inquiry that the Member had felt it proper to declare it. We recognise that it is a departure from long-established practice to suggest that an interest which is not financial in character should be declared. However, we believe that in some circumstances it is relevant that a non-pecuniary interest should be declared in a select committee and that such a declaration should be minuted. It would be extremely difficult to frame any rule to cover all the circumstances in which this would be appropriate, and we believe that such occasions will be infrequent. However, we draw our opinion to the attention of Members and rely on their good sense.

### **Timing of declaration**

13. The general rule must be that the member of a select committee should declare a relevant pecuniary interest when it is most appropriate to do so and that such declarations should always be entered in the Minutes of Proceedings of the

Committee. To give effect to this principle we recommend that the House should agree that the practice of select committees should henceforward be as follows.

.....

(2) A Member should make a declaration of interest at an early stage in any inquiry to which that interest particularly relates. If the interest is especially relevant to one witness or group of witnesses appearing before the committee, the interest should be declared again at the appropriate session of evidence.

(3) A Member must, under the existing rules, declare an interest when asking any questions which relate directly, or which might reasonably be thought by others to relate directly to the pecuniary interest he or she holds. In our view, such a declaration must be made irrespective of any declaration having been made at an earlier meeting of the committee. We would consider one such declaration to be sufficient for any questions asked of the same witnesses during one evidence session.

(4) Although the main purpose of declaration of interest is to inform colleagues, it is right that witnesses and the public, if the committee is meeting in public, should also be informed.

When a committee meets in public, declaration of interest should be in public session. When a committee meets in private and regularly takes oral evidence, declaration should be made when witnesses are present.

### **Form of declaration**

14. In making any declaration a Member should clearly identify the nature of the pecuniary interest. The form in which a declaration of interest is made, and its extent, must be primarily for the individual Member. We would not, however, regard a casual reference to an interest, either in public or private session of a committee, to be sufficient. Still less would we regard any informal statement made outside a formal committee meeting as being satisfactory. A Member should make a declaration in clear terms and should ensure that such a declaration is entered in the Minutes of Proceedings of the committee.

### **Responsibility for declaration**

15. The responsibility for making any declaration of pecuniary interest must continue to rest with the individual Member. However, it would be helpful if, from time to time, particularly at the commencement of an inquiry, or whenever there are any changes in membership, the Chairman reminded members of the committee of their obligations.

## Conclusion

16. We do not believe that what we propose here alters the best practice of select committees to any major extent. Indeed, we regard our proposals as a reasonable interpretation of the existing rules. They are directed towards assisting select committees to establish broadly similar arrangements within which a Member's personal responsibility may be exercised. Like the Select Committees on Members' Interests (Declaration) which have previously considered this matter, we stress the importance of declaration when relevant and of declaring a pecuniary interest at the moment when it is most appropriate to do so. We do not wish to create a situation where the proceedings of committees are frequently interrupted by declarations of tangential relevance to what is being considered. On the other hand, we believe that it will often be the case that Members will find that they need to declare interests rather more frequently than at present. As is clear from the oral evidence and from the correspondence contained in our Appendices, some Chairmen already consider it to be their duty to remind members of the rule on declaration both at the commencement of new inquiries and on other occasions. Many select committees, too, have already recognised in their procedures that the public and witnesses, as well as other members of the committee and other Members of the House, should be made aware of relevant interests. We believe that these and other measures already taken by some select committees represent the right approach. It would be perfectly acceptable for a Member, when declaring an interest which is registered in the Register of Members' Interests, merely to refer to his or her entry in the Register. It may also be the case that the interests that a Member is required to register may not be at all relevant to his or her work on the select committee and consequently may never need to be declared during its proceedings.

## II. Conflict of interest

### Occasions when a member should withdraw from committee proceedings

24. In their letters to the Committee, both the Chairman of the Procedure Committee and the Chairman of the Trade and Industry Committee drew attention to occasions when they had felt it proper to withdraw from an inquiry of a select committee. A number of other Chairmen also considered that there were circumstances when a conflict of interest would require a Member to withdraw. We have also noted the remarks of a former Lord President of the Council to the Procedure Committee on this matter. We feel that it is right that when a member of a committee, particularly the Chairman, has a pecuniary interest which is directly affected by a particular inquiry or when he or she considers that a personal interest may reflect upon the work of the committee or its subsequent report, the Member should stand aside from the committee proceedings relating to it. This convention is so fundamental to the proper conduct of select committee business that we recommend that it should be reinforced by an appropriate resolution of the House.

**Procedures prior to the election of a chairman**

25. We are much attracted to the proposal made by the Chairman of the Treasury and Civil Service Committee that a requirement be placed upon all Members nominated to serve upon a select committee to send to the Clerk of the Committee details of any pecuniary interests for circulation to the committee under the authority of the senior Member before its first meeting.

We accordingly recommend that the House should agree to a resolution with this effect.

Although we believe this should be a general practice whenever a committee is appointed it has added relevance at the beginning of a Parliament when many select committees meet for the first time but when the Register of Members' Interests is not always available. This procedure would ensure that a committee would choose its chairman in the full knowledge of any pecuniary interests he or she may have. If this recommendation also commends itself to the House, then it would be necessary for the House to agree to an appropriate resolution or amendments to Standing Orders in respect of relevant select committees. We would not consider it necessary to carry out this procedure in the case of hybrid bill committees or select committees of a wholly procedural nature.

*[Note: the remainder of this report is omitted as its recommendations were not included in the resolution of the House of 13 July 1992]*

## Appendix C

### **Avoidance of Conflict of Interest: Guidance for Chairmen and Members of Select Committees from the Standards and Privileges Committee (contained in the Committee's Seventh Report, Session 2002-03, HC 1292)**

#### **Introduction**

1. On 30 October 2003, when deciding that the chairmen of certain select committees should be paid from the start of the 2003-04 Parliamentary Session, the House approved the Sixth Report of the Committee on Standards and Privileges (HC 1150). In that report, made in the context of a recommendation from the Review Body on Senior Salaries that certain select committee chairmen should receive an extra payment of £12,500 per annum, the Committee considered whether such a decision should be accompanied by restrictions on the outside interests they might hold. The Committee saw no reason why it should but recognised that there would be certain such activities for which it would no longer be appropriate that the chairmen in question should be paid.

2. The House endorsed two principles set out in that report relating to circumstances in which it would not be right for those chairmen to accept payments for outside activities arising primarily as a result of their chairmanship. In its report, the Committee undertook to offer guidance on the practical application of those principles, and on related matters.

3. This note, which has been prepared in response to that undertaking, has been approved by the Committee, following advice from the Parliamentary Commissioner for Standards. It covers both the question of declaration of interests by select committee chairmen and the principles to be observed by chairmen when considering accepting payment for activities outside the House.

#### **Declaration of Interests in Select Committees**

4. Present practice relating to declarations of interest in select committees, withdrawal from committee proceedings and procedures prior to the election of a chairman was approved by the House on 13 July 1992. It is based on a report by the then Select Committee on Members' Interests on the interests of Chairmen and Members of Select Committees (First Report from the Select Committee on Members' Interests, Session 1990-91 (HC 108)). The recommendations on procedures prior to the election of a chairman apply to all select committees except those of a "wholly procedural nature".

5. The intention of the House was to ensure that, when the members of a select

committee choose their chairman, they do so knowing his or her relevant interests. The presumption is that they will select a member whose effectiveness in that role will not be compromised by his or her outside interests.

6. The most common situation in which a committee needs to choose a chairman is when it first meets. Before then, or at that meeting, all members are required to declare their interests. They then proceed to choose a chairman. The fact that members have declared their interests is recorded in the Committee's Minutes of Proceedings. Besides registrable interests, members declare relevant non-registrable interests, pecuniary and non-pecuniary. If it is necessary to choose a new chairman at any other time, the procedures used ensure that any prospective chairman's relevant interests are known to the committee.

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

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

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

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

### **Implications of Payment for Select Committee Chairmen**

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

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

13. Furthermore, given that Members chosen as Select Committee chairmen tend to have been in the House for some time, there will undoubtedly be occasions when it is for this reason (rather than primarily because of their chairmanship) that they are invited, for example, to appear on current affairs programmes. Provided that the rules which apply to all Members on the registration of income from media appearances are observed, they would not be expected in these circumstances to decline payment on account of their chairmanship.

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

15. The key question a chairman should ask when weighing up whether payment is acceptable is "Had I not been chairman of the select committee on X, is it significantly less likely that I personally would have been asked to undertake this activity?" In formulating his or her response, a chairman is welcome to seek advice

from the Registrar of Members' Interests (Ms Alda Barry, extension 3277), who will if necessary consult the Parliamentary Commissioner for Standards.

16. The Committee on Standards and Privileges recognised that introducing the new restrictions in the course of a Parliament might cause difficulties for some chairmen. It therefore said that, as a transitional arrangement for the remainder of this [2001-05] Parliament, existing chairmen should have the option of electing either to receive payment from public funds, and accepting the restrictions set out above, or declining to receive payment, in which case their existing freedoms will remain unchanged. A chairman contemplating taking advantage of this transitional arrangement is also welcome to seek advice from the Registrar.

### **Conclusion**

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

## Confidentiality of papers

### Appendix D

#### **Extracts from the Eighth Report from the Committee of Standards and Privileges, Session 1998-99, Premature disclosure of reports of the Foreign Affairs Committee, HC 607**

17. Select committees cannot operate without a degree of mutual confidence. The Committee of Privileges of 1984-85 pointed to the “damage that leaks had created among Members on committees by undermining their mutual trust, one for another. The morale of committees could decline if some Members showed scant respect for the rules of privilege or for the loyalty of colleagues who do not betray confidential matter”. The Select Committee on Procedure of 1989-90 said that “All leaks are a breach of the trust amongst the Members and staff of a Committee which is essential to its smooth functioning”.

18. Our predecessor Committee also referred to “the indirect damage that leaks could do to the select committee system. If leaking becomes the common practice then there can be a cumulative effect and a general slippage from the standards of responsibility in maintaining committee confidences that the rules require. This could damage the standing of select committees in the public eye”.

19. [A committee member] ... disclosed confidential committee papers to a Minister in that Department without the knowledge of other members of the committee and without the committee’s approval. This was a clear breach of faith with the other members of the Foreign Affairs Committee which, as he recognised, made his position on the Committee untenable. Moreover, it tended to undermine the Committee’s authority by calling into question its independence from Government influence.

...

27. We have already made plain the responsibilities of a Member who receives leaked committee papers: “In our judgement the Member ought to make no use of leaked committee papers and should return them without delay to the clerk of the committee”. We consider that the Prime Minister should amend the Ministerial Code so as to require Ministers and Parliamentary Private Secretaries to comply with the guidance, and we invite him to notify us and the House in due course of the terms in which he has done so.

...

31. The duty of any official who receives leaked committee papers is exactly the

same as that of a Member, namely, to make no use of them and to return them without delay to the committee clerk. Subject to the qualification in the previous paragraph, we welcome Sir John Kerr's assurance that officials and special advisers will be required to comply with this obligation and we expect to see a copy of the new rules as soon as they are issued. We share his hope that the implementation of the new instructions throughout Whitehall will deter potential leakers of committee papers. We emphasise that any unauthorised use of unpublished select committee documents received by a Department will in future be regarded by this Committee as a contempt.

## **Appendix E**

**Extract from a memorandum submitted by the Leader of the House of Commons, Rt Hon Peter Hain MP to the Liaison Committee, October 2004: departmental evidence and response to select committees (published with oral evidence, HC 1180-i (2003-04))**

### **Leaked Select Committee Reports**

97. If a civil servant (or a Minister) receives a copy of a leaked Select Committee report, he or she must not make any use of it or circulate it any further. The report should be returned immediately to the Clerk of the relevant Select Committee. No copies should be taken.

## Appendix F

### **Note by the Liaison Committee, 1 May 1984 Confidentiality of select committee proceedings**

1. The Liaison Committee is concerned to ensure that Select Committees' private meetings and papers remain confidential. This note is intended to make the position clear to all those involved in Select Committee work.
2. The effectiveness of a Select Committee is undermined and the influence of its reports seriously impaired if its private proceedings are leaked either inadvertently or by someone wishing to promote a particular view. This has long been recognised. *Erskine May* (pages 153-4 [page 140 of the current (23rd) edition]) records a Resolution of the House which states the rule unequivocally. Until a committee has reported to the House it is a breach of Parliamentary privilege for disclosures to be made of anything that took place during the committee's private meetings or for any of its papers to be made public.
3. Breaches of this kind have been considered by the Committee of Privileges on various occasions in the past. In several cases it has been said that while a newspaper was at fault in publishing material, it was the person who leaked the information who was more to blame.
4. The most up-to-date ruling was given a few weeks ago. A newspaper reported that a split had opened up at a private meeting of a select committee on the previous day. The Speaker's ruling was sought on the matter, and he wrote to the Chairman of the Committee thus:  
"It is clear to me that ... the article reflects a disclosure of the deliberations of your committee... It is clearly improper for a member of a Committee to disclose any part of a Committee's deliberations, and a breach of this rule is always likely to attract the punitive jurisdiction of the House. I take a serious view of what has happened, and I should be obliged if you would bring the contents of this letter to the attention of your Committee."
5. When Parliamentary privilege is breached, the House has power to punish the offender. Amongst the punishments open to the House are a public and formal reprimand on the floor of the House, withdrawal of a journalist's privileges, and the suspension of a Member from the service of the House.
6. When evidence is taken in public, the Standing Orders allow full and immediate publication of what has taken place. But when a committee meets behind closed doors, whether to deliberate or to take evidence, the position is completely different.

7. The reason for this is obvious. The House creates the committee, and it is to the House that the committee should report. Members have the right to be the first to hear what has happened, and to hear it direct from the committee - rather than to read an account, which may be garbled and prejudiced, in a newspaper.

8. Premature disclosure of a committee's proceedings is damaging particularly if it is made by reference to a Chairman's draft report, a draft which has no standing whatsoever until it has been discussed, amended and reported to the House.

9. It is also important for those involved in Select Committee work to be aware that anything which the Committee does not include in its report to the House remains confidential even after the Report to the House has been made.

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