



HOUSE *of* LORDS

BRIEFING

THE REGISTER OF LORDS' INTERESTS

The Code of Conduct

The Code of Conduct requires all members of the House, who are not on Leave of Absence, to register all relevant interests. The Code came into force on 1 April 2002. It makes more extensive provision than before for the registration of interests by members of the House. This briefing paper explains those new registration provisions and how the Register of Lords' Interests works. **The full text of the Code is included at the end of this briefing.**

Registration of interests

The Code states (paragraphs 8-17) that members of the House must register all relevant interests "in order to make clear what are the interests that might reasonably be thought to influence their actions".

The Code defines a "relevant interest" as:

"The test of a relevant interest is whether the interest might reasonably be thought by the public to affect the way in which a member of the House of Lords discharges his or her parliamentary duties."

Relevant interests include both financial and non-financial interests. For interests deemed to be relevant and which must be declared, see paragraphs 12 (financial) and 15 (non-financial) of the Code of Conduct; for interests which may be relevant, depending on their significance, see paragraphs 13 and 16.

The Register of Lords' Interests

The Register of Lords' Interests is maintained by the Registrar under the authority of the Clerk of the Parliaments. The first edition of the Register under the Code of Conduct was published in May 2002 (Session 2001-02, HL Paper 120). It sets out, in alphabetical order, the name of every member of the House who has made a return with the list of relevant interests. If the member has no relevant interests, the words "*No relevant interests*" appear after his or her name. Members on Leave of Absence are exempt from the requirement to register but are listed at the end of the volume.

Updating the Register

The Register is published **annually** in printed form, but the printed version goes out of date very quickly. So each week when the House is sitting, an up-to-date Register is published on the parliamentary website (www.parliament.uk). Between 20 and 40 changes are made each week. Record copies of the up-to-date Register are placed each week at the Table of the House, in the Library of the House, in the Minute Room and in the Registrar's Office, where Members of the House may consult them. Members of the public who do not have access to the internet may examine an up-to-date copy of the Register in the House of Lords Record Office (telephone 020 7219 2333).

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Background to the Code of Conduct

In November 2000 the Committee on Standards in Public Life (then known as the “Neill Committee”), following an inquiry into the arrangements in force in the House of Lords relating to conduct, registration of interests and related matters, published their report and recommendations: *Standards of Conduct in the House of Lords*. In January 2001 a cross-party working group of members was set up to consider the Neill Committee recommendations. It reported in April 2001 and proposed a Code of Conduct for members. The proposed Code of Conduct was debated and agreed to by the House on 2nd July 2001. It was subsequently amended on 24 July. The Code of Conduct came into force on 1 April 2002.

The sub-committee on Lords’ Interests

The sub-committee on Lords’ Interests (a sub-committee of the Committee of Privileges) gives guidance on how the Code is to be interpreted for the purposes of the Register. The Sub-Committee is a cross-party committee of five members of the House.

Enforcement

The procedure for dealing with allegations of non-compliance with the Code of Conduct is set out in paragraph 19 of the Code. In the first instance, any allegation should normally be raised with the member concerned, or if appropriate, with the party Leader or Chief Whip, or the Convenor of the Crossbench Peers. Only a member of the House can raise a matter of non-compliance directly with the registrar or sub-committee on Lords’ Interests.

The sub-committee on Lords’ Interests has power to examine any allegation of non-compliance and decide to investigate it or dismiss it. The conclusions of the sub-committee and of the Committee for Privileges are reported to the House.

Ministers

In addition to their obligations as members of the House to comply with the Code of Conduct, members who hold ministerial posts are obliged to observe the *Ministerial Code: A Code of Conduct and Guidance on Procedures for Ministers*, issued by the Cabinet Office. This covers: ministers’ relationships with Government, Parliament, their departments, civil servants, constituency and party interests; visits and hospitality; presentation of policy; and their private interests and pensions. Any queries about ministers’ interests should be addressed to the relevant Government department. The Registrar of Lords’ Interests maintains a file of gifts received by Ministers in the House of Lords under the Ministerial Code which is available for public inspection.

Further information

For enquiries about the Register:

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THE HOUSE OF LORDS' CODE OF CONDUCT

Adopted on Monday 2nd July 2001, as amended on Tuesday 24th July 2001

Purpose of the Code

1. The purpose of this Code of Conduct is:
 - (a) to provide guidance for Members of the House of Lords on the standards of conduct expected of them in the discharge of their parliamentary and public duties;
 - (b) to provide the openness and accountability necessary to reinforce public confidence in the way in which Members of the House of Lords perform their parliamentary and public duties.

2. This Code applies to all Members of the House of Lords who have not taken leave of absence.

Public duty

3. By virtue of their oath, or affirmation, of allegiance, Members of the House have a duty to be faithful and bear true allegiance to Her Majesty The Queen, Her heirs and successors, according to law.

Personal conduct

4. Members of the House:
 - (a) must comply with the Code of Conduct;
 - (b) should act always on their personal honour;
 - (c) must never accept any financial inducement as an incentive or reward for exercising parliamentary influence;
 - (d) must not vote on any bill or motion, or ask any question in the House or a committee, or promote any matter, in return for payment or any other material benefit (the “no paid advocacy” rule).

5. Members of the House should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:
 - (a) Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (b) Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - (c) Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (d) Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - (e) Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.



(f) Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(g) Leadership: Holders of public office should promote and support these principles by leadership and example.

Primacy of the public interest

6. In the conduct of their parliamentary duties, Members of the House shall resolve any conflict between their personal interest and the public interest in favour of the public interest.

Register of Interests

7. There shall be established a register of Lords' interests referred to in this Code. The register shall be maintained under the authority of the Clerk of the Parliaments by a Registrar appointed by him.

A Member of the House must register relevant interests before 31st March 2002 and thereafter within one month of acquiring them.

The register shall be available for public inspection in accordance with arrangements made by the Registrar. The register shall be regularly updated and shall be reprinted annually. The annual publication shall include all interests registered since the previous edition and all continuing interests unless their termination has been notified to the Registrar.

Registration and Declaration of Relevant Interests

8. Members of the House must:

(a) register in the Register of Lords' Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their actions;

(b) declare when speaking in the House, or communicating with ministers, government departments or executive agencies, any interest which is a relevant interest in the context of the debate or the matter under discussion. This is necessary in order that their audience may form a balanced judgment of their arguments. In cases where Members of the House vote in a division where they have a relevant interest that they have not been able to declare, they should register that interest within 24 hours of the division.

What is a relevant interest?

9. The test of relevant interest is whether the interest might reasonably be thought by the public to affect the way in which a Member of the House of Lords discharges his or her parliamentary duties.

10. The test of relevant interest is therefore not whether a Member's actions in Parliament will be influenced by the interest, but whether the public might reasonably think that this might be the case.

11. Relevant interests include both financial and non-financial interests.



Relevant financial interests

12. The following financial interests are always relevant and therefore must be registered:

- (a) any consultancy agreement under which Members of the House provide parliamentary advice or services. A copy of any such agreement, and the remuneration received by Members for advice in relation to parliamentary matters, must be deposited with the Registrar of Lords' Interests, so that details are available for public inspection;
- (b) employment or any other financial interest in businesses involved in parliamentary lobbying on behalf of clients, including public relations and law firms but Members of the House involved with organisations that offer commercial lobbying services are not obliged to refrain from participating in parliamentary business in connection with all clients of that organisation but only their personal clients;
- (c) any remunerated service which Members of the House provide by virtue of their position as members of Parliament, and the clients of any such service;
- (d) employment as a non-parliamentary consultant;
- (e) remunerated directorships;
- (f) regular remunerated employment (excluding occasional income from speeches, lecturing, broadcasting and journalism);
- (g) shareholdings amounting to a controlling interest;
- (h) provision by an outside body of secretarial and research assistance;
- (i) visits with costs paid in the United Kingdom and overseas, made as a member of Parliament, except any visits paid for from public funds.

13. The list in paragraph 12 above is not exhaustive. For example, relevant financial interests may also include (depending on their significance):

- (a) shareholdings not amounting to a controlling interest;
- (b) landholdings (excluding Members' homes);
- (c) the financial interests of a spouse or relative or friend;
- (d) hospitality or gifts given to a Member which could reasonably be regarded as an incentive to support a particular cause or interest.

14. Except for remuneration received by Members for advice in relation to parliamentary matters, Members of the House are not required to disclose how much they earn from the financial interests set out in paragraphs 12 and 13, but they may do so if they wish.

Relevant non-financial interests

15. The following non-financial interests are always relevant and therefore must be registered:

- (a) membership of public bodies such as hospital trusts, the governing bodies of universities, colleges and schools, and local authorities;
- (b) trusteeships of museums, galleries or similar bodies;
- (c) acting as an office-holder or trustee in pressure groups or trade unions;
- (d) acting as an office-holder or trustee in voluntary or not-for-profit organisations.



HOUSE of LORDS

16. The list in paragraph 15 above is not exhaustive. For example, relevant non-financial interests may also include (depending on their significance):

- (a) other trusteeships;
- (b) unpaid membership of voluntary organisations.

17. Members of the House are not obliged to register membership of Churches, religious bodies and quasi-religious organisations. But it may be necessary to declare such interests (see paragraph 8).

Advice

18. The operation of the register shall be overseen by a Sub-Committee of the Committee for Privileges on Lords' Interests and the Registrar shall consult the Sub-Committee when necessary. The Registrar is available to advise Members of the House. A Member who acts on the advice of the Registrar in determining what is a relevant interest satisfies fully the requirements of the Code of Conduct.

Enforcement of the Code of Conduct

19. Allegations of non-compliance with this Code are dealt with as follows:

- (a) Any allegation should normally be raised first with the Member complained against. However, there may be circumstances when it is more appropriate to raise the matter with a party Leader or Chief Whip, or the Convenor of the Crossbench Peers;
- (b) If the complainant chooses to pursue the matter, he or she should refer the allegation in private directly to the Sub-Committee on Lords' Interests, through its chairman;
- (c) The Sub-Committee will then examine the allegation and may decide to investigate it further or to dismiss it;
- (d) 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;
- (e) If after investigation the Sub-Committee finds the allegation proved, the Member complained against has a right of appeal to the Committee for Privileges;
- (f) The conclusions of the Sub-Committee and of the Committee for Privileges are reported to the House.

20. Paragraph 7 shall have effect forthwith; the remainder of this Code shall have effect from 31st March 2002; and the resolution of the House of 7th November 1995 on the practice of the House in relation to Lords' interests shall cease to have effect on the same date.