

Contents

	Resolution letter: Rt Hon. Jeremy Corbyn MP	2
	Written evidence	3
	1. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 25 June 2021	3
5	2. Letter from Rt Hon. Jeremy Corbyn MP to the Commissioner, 9 July 2021	7
	3. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 13 July 2021	9
	4. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 21 July 2021	10
	5. Letter from Rt Hon. Jeremy Corbyn MP to the Commissioner, 6 August 2021	11
	6. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 19 August 2021	13
10	7. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 31 August 2021	14
	8. Email from Rt Hon. Jeremy Corbyn MP to the Commissioner, 14 September 2021	17
	9. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 23 September 2021	19
15		

Resolution letter: Rt Hon. Jeremy Corbyn MP

7 October 2021

5 I wrote to you on 25 June 2021 to tell you that I had begun an inquiry into your allegation that Jeremy Corbyn MP had breached paragraph 14 of the Code of Conduct for Members.

10 I have decided not to uphold your complaint and to find that a breach of paragraph 14 of the Code has not occurred. This is because the information I obtained during my inquiry demonstrated that the support Mr Corbyn has received from Unite the Union for the case of Corbyn vs Evans is because of his membership of Unite, and not because of his membership of the House; such support is available to all members of Unite. I was also mindful that the Guide to the Rules does not contain a specific requirement to register legal support provided by a membership organisation. On that basis, I concluded that it was not necessary for Mr Corbyn to register the support he has received from Unite.

15 Mr Corbyn has also reassured me that he has not received legal assistance or support from Unite for any other legal cases.

I will publish my decision and the written evidence pack shortly on my webpages. I will then report the outcome to the Standards Committee in due course.

20 Thank you for bringing this matter to my attention. I confirm that the matter is now closed.

Written evidence

1. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 25 June 2021

5 Following receipt of an allegation I have received from [the complainant] about your compliance with paragraph 14 of the House of Commons Code of Conduct for Members, I have decided to open a formal inquiry. I enclose a copy of [the complainant]'s submission and the enclosures sent with it.

The scope of my inquiry

10 My inquiry will focus on whether you have acted in breach of paragraph 14 of the House of Commons' Code of Conduct for Members by failing to register legal support or other financial assistance provided to you by Unite the Union. If the scope of my inquiry changes, I will update you in writing.

The relevant rules of the House

The overarching rules are found in the House of Commons' Code of Conduct for Members. Paragraph 14 of the Code states:

15 *Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members,*
20 *public officials or public office holders*

The Guide to the rules relating to the conduct of Members, which is appended to the Code, contains more detail about the registration of interests. Chapter 1 has more details about the registration of financial interests.

Next steps

25 I would welcome your comments on the allegation that your alleged actions have amounted to a breach of paragraph 14 of the Code of Conduct for Members. I would also be grateful for your answers to the following specific questions:

30 1. Did Unite the Union provide you with any legal assistance for the case of Corbyn vs Evans or any other legal cases? If so, what was the value of that assistance, when was it received, and was it registered in the Register at the time?

2. Did Unite the Union provide you with any other financial support for the case of Corbyn vs Evans or any other legal cases? If so, what was the value and nature of that support, when was it received, and was it registered in the Register at the time?

5 It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.

Important information

10 My inquiries are conducted in private. However, following the decision taken by the House on 21 April 2021, I will shortly publish on my webpages the fact that I am conducting an inquiry about your alleged breach of the Code of Conduct. If contacted, my office will not comment on any aspect of this specific inquiry to third parties. They will answer direct factual questions about the processes I follow, and the standards system more generally, but will not provide any comment or details about the particulars of this inquiry.

15 The Members' Services Team (MST) can support and signpost you and/or your staff to appropriate support services. You can contact them confidentially on [details redacted] for a range of issues, including support with handling the impact of media attention.

20 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. The same requirement extends to [the complainant].

Procedure

25 I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the recent decision of 21 April 2021.

30 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

Potential outcomes

5 Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may, in circumstances defined by Standing Order No. 150, uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is
10 not upheld or is rectified, the investigation material, including our correspondence, will be published on the Parliament website.

If I uphold the allegation, and it is either unsuitable for the rectification procedure, or you do not accept my decision, I must make a referral to the Committee on Standards. My memorandum to the Committee will be published as an appendix to
15 the Committee's own Report.

Regardless of the outcome of my inquiry, I must emphasise that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). Please tell me if you provide sensitive material that you think I
20 should redact. I will consider carefully any such request.

Action

I would be grateful to have your response to this letter as soon as possible and no later than Friday 9 July 2021 please.

25 If you would prefer me to communicate with you by a different email address, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you.

Due to the current government advice, my team are working from home only, so I would be grateful if you could please send your response electronically to; standardscommissioner@parliament.uk.

30 Thank you for your cooperation with this matter.

Enclosure 1: Email from [the complainant] to the Commissioner, 24 May 2021

I believe that the Independent representative for Islington North, Jeremy Corbyn MP, may have broken Policy 14 of the Code of Conduct relating to members:

5 *"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders."*

10 I have come to understand from multiple sources that Mr Corbyn has received financial support for legal cases involving him in various legal disputes principally surrounding anti-Semitism. Most recently in *Corbyn v. Evans*, where Mr. Corbyn failed in his attempts to overturn the suspension of the Labour Party whip. The costs of this are rumoured to be in the region of £50,000.

I have also been informed that Mr. Corbyn was supported by Unite for the legal costs of *Millett v. Corbyn*, a defamation case which he lost. I have been informed the cost was in excess of £100,000.

15 I believe that Unite has also supported Mr. Corbyn's legal proceedings against the BBC as to how they reported his comments surrounding 'shoot-to-kill' and have been informed that multiple members of Unite, including the deputy general secretary, Mr Howard Beckett, are aware of the significant financial support to Mr. Corbyn.

20 Mr. Corbyn has not declared funding from Unite for legal costs within his register of interests since he became Leader of the Opposition. His register does note he has had some support:

25 *"I am likely to benefit from a legal fund managed by JBC Defence Ltd which was set up on 16 October 2020 to help meet any legal costs which I or my supporters incur in relation to allegations of defamation. (Registered 30 October 2020)"*

But this does not refer to Unite's contributions and states clearly it is only surrounding defamation cases.

30 I hope that you, as the parliamentary standards commissioner, will look into this potentially significant breach of rules by Mr. Corbyn urgently.

Please do let me know if you have any questions or require any further information from me at this stage.

Enclosure 2: BBC News article, "Unite leadership: Three-way battle to be left's candidate", 11 June 2021

35 [content not relevant to the inquiry omitted]

Corbyn support

Gerard Coyne is also campaigning against what he sees as members' money being wasted on pursuing Labour's faction-fighting.

That charge is aimed largely at the union's head of legal - Howard Beckett.

- 5 But far from seeing this as a vulnerability, Mr Beckett is determined to turn the attacks to his advantage.

He has defended union backing for action against Jeremy Corbyn's suspension from the Parliamentary Labour Party - for which costs of around £20,000 were awarded against the former Labour leader.

- 10 And he has pointed out that on other occasions when the union backed Mr Corbyn, it has won, and therefore has cost it nothing.

He argues that the court cases have shown the union is not prepared to "roll over" to opponents - and his supporters think high profile support for Mr Corbyn will help mobilise the left-wing base in any closely fought contest.

- 15 [content not relevant to the inquiry omitted]

25 June 2021

2. Letter from Rt Hon. Jeremy Corbyn MP to the Commissioner, 9 July 2021

- 20 Thank you very much your letter of 25 June regarding your decision to open a formal inquiry subsequent to [the complainant]'s complaint. Thank you also for the additional notes that were enclosed.

- 25 I hold the work that your office does in extremely high regard and as the guardian of our Register of Interests you will of course be extremely busy. As you will know from my Register of Interests I have always sought to adhere fully to the Code of Conduct and in my years as a parliamentarian have never sought to deviate from it, and that includes Paragraph 14 that you refer to.

- 30 I totally refute the allegations referred to and would ask you to note especially that the case of Corbyn Vs Evans focussed on the suspension of party membership and the suspension of the parliamentary whip. This is an issue that is akin to employment matters and the purpose of Union membership is to support its members in tackling precisely such employment matters. It is a right available to all union members, the majority of whom have nothing whatsoever to do with parliament or politics.

In order to ensure the most comprehensive response reaches you, attached is a letter from Howe & Co offering a thorough explanation in relation to the issues raised.

5 **Enclosure 1: Letter from Howe & Co Solicitors to the Commissioner, 9 July 2021**

We act for the Rt Hon Jeremy Corbyn MP and have seen your letter of 25 June 2021 with accompanying documents.

10 Our client is a member of the trade union, Unite the Union ('Unite'). His trade union membership is not a gift. Membership of Unite is paid for by each member of the union, including Mr Corbyn, through the payment of subscriptions.

15 All Labour Party MPs are contractually required by the Labour Party Rulebook to be "*a member of a trade union affiliated to the TUC or considered by the NEC as a bona fide trade union and contribute to the political fund of that union*" (see Chapter 5, Clause 1 B (i) Labour Party Rule Book 2020 and previous editions of the Rule Book - <https://labour.org.uk/wp-content/uploads/2020/04/rulebook-2020.pdf>).

20 Membership of Unite, in common with membership of any trade union, brings with it various rights for union members. One such right is legal support for members of the union through Unite legal services. Mr Corbyn is one of approximately 20,000 members of Unite (out of a total membership of approximately 1.4 million) who receive legal support from the union year in, year out.

Trade Union membership is not an interest that is registered on the Register of Members' Financial Interests. We note, for example, that [the complainant], in common with all Labour MPs on the front and back benches, has not registered his membership of a trade union.

25 We would add that if trade union membership with associated rights to legal support were to be regarded as a mandatory registerable financial interest then that requirement to register would need to be extended to all MPs who purchase commonplace insurance policies which include rights to legal assistance e.g. car insurance policies, household insurance policies, travel insurance policies, after the event litigation insurance policies, certain insurance policies attached to bank services, certain credit card insurance policies and miscellaneous and/or bespoke legal expense insurance policies.

35 Legal assistance can also be a benefit attached to membership of clubs or associations e.g. membership of political parties in appropriate circumstances. Legal expense cover can also be provided through employment contracts or through Director and Officer insurance policies within Limited Companies. The list of

potential contractual agreements to which the right to legal support is attached is myriad.

5 Our client utterly refutes the allegation that he is in breach of paragraph 14 of the Code of Conduct. He is simply supported in his rights to assistance by his trade union of which he is a paid-up member.

9 July 2021

3. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 13 July 2021

10 Thank you for your clear letter of 9 July 2021, and for the letter from your legal representatives of the same date, in response to my initiation of an inquiry into the allegation from [the complainant] about your entry in the Register of Members' Financial Interests.

15 As you will recall, in my initial letter to you, I explained that I might seek the advice of the House authorities as part of my inquiry. In accordance with my usual practice regarding inquiries relating to the registration of interests, I have today written to the Registrar of Members' Financial Interests, [name redacted], seeking her advice. I enclose the text of that letter below for your information.

20 In due course, I will share the Registrar's advice with you so that you have an opportunity to comment and respond. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued co-operation with this matter.

Enclosure 1: Letter from the Commissioner to the Registrar of Members' Financial Interests, 13 July 2021

25 I would welcome your help with an inquiry that I am conducting in relation to Rt Hon. Jeremy Corbyn MP about an allegation regarding his entry in the Register of Members' Financial Interests. For reference, I enclose a copy of the correspondence that I have exchanged with Mr Corbyn to date, including the original complaint.

30 In light of the information attached, I would welcome your advice and comments on the position outlined by Mr Corbyn and his representatives on 9 July 2021. I would also welcome any wider points that you wish to make.

Please could you return your comments to me by 27 July 2021. I intend to share a copy of your advice with Mr Corbyn for his response in due course.

Thank you for your assistance with this matter.

13 July 2021

4. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 21 July 2021

As you will recall, I informed you on 13 July that I had written to the Registrar of Members' Financial Interests, [name redacted], seeking her advice. [name redacted]
5 has now replied requesting further information from you before she can form her advice. The text of her response reads as:

Thank you for your letter of 13 July asking for my advice and comments on the correspondence from Rt Hon Jeremy Corbyn MP and his legal advisers.

10 *Mr Corbyn's legal advisers point out that he was entitled to legal assistance, perhaps free of charge, by reason of his membership of Unite. They have not however explained the nature or scope of the assistance available to him in this way. And Mr Corbyn has not explained whether he received financial help or a benefit in kind (such as legal advice or representation). I am afraid I could not provide you with definitive advice without information on these points. In particular it would be helpful;*

15 *a) to see the exact terms and conditions of the legal assistance available to Unite members at the relevant time. For example, it would be useful to know whether the assistance available to all Unite members was limited to employment matters or, if not, which other issues were covered; how it was accessed; whether there was a requirement to use particular solicitors; and whether there was a ceiling on claims.*

20 *b) to have Mr Corbyn's answer to the two questions in your letter to him. (N.B. the exact value of the assistance received would be relevant only if registration was needed.)*

25 *Your letter has reminded me that Mr Corbyn has not yet registered any help which he might have received from the defence fund set up for his benefit. It has prompted me to make enquiries of him, which I will do separately.*

30 To assist you, my initial two questions of 25 June were:

1. Did Unite the Union provide you with any legal assistance for the case of
35 Corbyn vs Evans or any other legal cases? If so, what was the value of that assistance, when was it received, and was it registered in the Register at the time?

2. Did Unite the Union provide you with any other financial support for the case of Corbyn vs Evans or any other legal cases? If so, what was the value and nature of that support, when was it received, and was it registered in the Register at the time?
- 5 Please could you reply to me by **4 August 2021** addressing both the points raised by [name redacted] and my initial two questions.

Thank you for your continued co-operation with this matter.

21 July 2021

5. Letter from Rt Hon. Jeremy Corbyn MP to the Commissioner, 6 August 2021

- 10 Thank you very much your letter of 21 July requesting further information in relation to [the complainant]'s complaint.

For the purpose of consistency, I enclose a further response on my behalf from Howe & Co, which I trust answers the further questions raised in your letter.

- 15 **Enclosure 1: Letter from Howe & Co Solicitors to the Commissioner, 6 August 2021**

Thank you for your letter of 21 July 2021 sent directly to our client.

- As stated in our letter of 9 July 2021, our client is a member of Unite the Union. He pays subscription fees for his membership. His access to legal assistance is as a member of the Union and it is not “free of charge” but is as a result of his paid -up subscriptions to the union and his contractual rights as a result of his membership.
- 20

Under the terms of his membership our client, along with all Unite members, is subject to the union Rule Book. The legal case that our client has against David Evans, the General Secretary of the Labour Party, is employment related.

Rule 4.6.3 of the union contract with its members provides:

- 25 A member who requires advice and/or representation **on a problem relating to** the member’s employment which first arose at a time when the member was entitled to benefit and which cannot be resolved through the member’s workplace representative should refer the matter to the appropriate Regional Officer. The Union may provide such advice and/or representation as the Executive Council shall consider appropriate, whether by a full time officer or otherwise, and on such terms as the Executive Council shall consider appropriate. (Bold emphasis added by Howe & Co)
- 30

Rule 4.6.1 provides a similar term in respect of personal injury accident claims.

There is also a general provision in the membership contract at Rule 4.6.4 which provides for other legal advice/assistance “as the EC [Executive Council] may consider appropriate”.

- 5 The union does have its own panel of solicitors to who act for members in the provision of legal advice and assistance, but it is always open to a member to ask the union to work with solicitors of the member’s own choice in appropriate cases.

You will note from the union Rule Book that the nature and scope of legal advice and assistance is ultimately a matter of discretion for the Executive Council of Unite.

- 10 Mr Corbyn could not possibly know the extent, let alone the full extent, to which
Unite the Union has granted or refused legal assistance to other members, as such
matters would be governed by the union’s data protection protocol in relation to the
rights of other members. We previously estimated that up to 20,000 members take
up legal advice and assistance rights each year. However it is impossible for Mr
15 Corbyn to answer the question asked with informed accuracy, as the information is
not in his control or knowledge.

We trust the above answers the queries raised by [the Registrar] and will allow her to complete her advice to you.

- 20 As to your two initial questions of 25 June 2021 our client is happy to confirm has
received legal advice and assistance in his litigious dispute with Mr Evans.

- As to the value of assistance in litigated matters, it is simply not possible to put a
financial value on such support until the conclusion of a case. If for instance a litigant
is successful in bringing a case in court, the usual order would be for the losing
party to pay the winning party’s costs. Are you saying that an MP would have to
25 register legal costs paid by a Defendant, which are incidentally paid on the
indemnity principle, as a financial interest? For example, if an MP had a car accident
caused by a Defendant running into the back of the MP’s car, resulting in personal
injury to the MP, are you suggesting that the MP must first register the fact that
he/she has an insurance policy that has legal expense cover attached to the car
30 insurance and then register the fact that his/her legal costs are paid by the losing
Defendant in the case, albeit through the Defendant’s motor insurer?

- There is a further important issue to consider here when considering the
requirement to register in relation to legal advice and assistance, and that is legal
privilege. An MP may seek and be entitled to legal advice and assistance on a myriad
35 of issues under a trade union membership contract or under a general insurance
contract, eg a household before the event insurance policy. Are you suggesting that
each time an MP exercises that right that there is a registrable event if the MP has a

right to legal advice and assistance under a contract or insurance policy? Clearly, this could be of significant advantage to an opponent in litigation, as the opponent would be able to know if an MP is, and indeed is not, supported by legal advice and assistance under membership/contractual rights or under an insurance policy.

5 Placing a financial value on such rights would create an even greater advantage for an opponent, who could make all sorts of tactical decisions based on such knowledge of the financial standing of the MP to bring or defend a claim. That would put MPs at a potentially much weaker position than ordinary litigants. [The Registrar] has referred to providing information about any cap that may apply and again the
10 litigation disadvantage caused to an MP by having to publicly declare such a matter is obvious.

MPs like any other litigant must be entitled to receive confidential privileged legal advice. The subject matter of the advice may well be sensitive and personal. The fact of taking legal advice is itself a confidential privileged matter. A requirement to
15 register the fact of taking legal advice and assistance and the thought that a value must be registered would drive a coach and horses through legal privilege and confidentiality rights for MPs.

An individual's request for legal advice, and receiving that legal advice, generally speaking attracts "legal advice privilege". If the request for or the taking of legal
20 advice is disclosed through a parliamentary registration requirement the protective shield of legal advice privilege would be pierced and it is arguable that the protection of privilege would be lost placing MPs at a distinct disadvantage when compared to other litigants.

6 August 2021

25 **6. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 19 August 2021**

Thank you for forwarding to me the further letter from your legal advisers of 6 August 2021.

30 I have passed that letter onto the Registrar of Members' Financial Interests and have sought her advice on my inquiry. I enclose the text of that letter below for your information.

In due course, I will share the Registrar's advice with you so that you have an opportunity to comment and respond. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to
35 maintain the strict confidentiality of the inquiry.

Thank you for your continued co-operation with this matter.

Enclosure 1: Letter from the Commissioner to the Registrar of Members' Financial Interests, 19 August 2021

5 You may recall that I initially wrote to you on 13 July 2021, copy attached, seeking your help with an inquiry that I am conducting in relation to Rt Hon. Jeremy Corbyn MP about an allegation regarding his entry in the Register of Members' Financial Interests. You replied on 20 July informing me that you were unable to provide any advice without further information from Mr Corbyn. I have now received additional information from Mr Corbyn's legal advisers, which I attach to this letter.

10 In light of the new information received, I would welcome your advice and comments on this inquiry and any wider points that you wish to make. If the new information is not sufficient, and you are still unable to offer an opinion, please let me know and I will make further enquiries of Mr Corbyn.

Please could you return your comments to me by 2 September 2021. I intend to share a copy of your advice with Mr Corbyn for his response in due course.

15 Thank you for your assistance with this matter.

19 August 2021

7. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 31 August 2021

20 Further to my letter of 19 August 2021, I have now received the advice of the new Registrar of Members' Financial Interests, [name redacted], which I enclose below. If you wish to submit any comments on the Registrar's advice, please do so by 14 September 2021.

I would also be grateful if you could answer these following questions by the same date please:

- 25 1. Is the case and litigation of Corbyn vs Evans ongoing? If the case has been settled, please can you confirm the date that it was settled, and the total final value of the assistance provided to you by Unite the Union; this figure should include the value of any legal advice and assistance received as well as any other financial support provided by the union to meet the costs of the case.
- 30 2. What are the employment issues that Corbyn vs Evans is seeking, or sought, to resolve?
3. Can you confirm under which specific clause of the union handbook did the Executive Council of Unite the Union provide you with assistance for the case of Corbyn vs Evans?

4. Has Unite the Union provided you with any legal assistance or other financial support for any other legal cases? If so, what was the value of that assistance, when was it received, and was it registered in the Register at the time?

5 In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued co-operation with this matter.

Enclosure 1: Email from the Registrar of Members' Financial Interests to the Commissioner, 26 August 2021

10 Thank you for the further letter to [name redacted] asking for advice from the Registrar. I have taken over as the Registrar but I have discussed this with [name redacted] in her capacity as the previous Registrar, and we are in agreement on the contents.

15 Mr Corbyn has received legal advice and assistance from Unite in his dispute with the General Secretary of the Labour Party. He is a member of Unite, and thereby had an entitlement to advice and assistance in certain circumstances. The question for the Registry team is whether we would have advised him to register this.

20 As Mr Corbyn's solicitors point out, MPs may be entitled to legal assistance by reason of (for example) their household insurance policies, membership of various clubs or societies, or their membership of a trade union. Generally speaking they would not be expected to register such benefits, although (if asked) the registry team would always remind them that they ought to "declare" them on almost any occasion when relevant to proceedings, correspondence or discussions. In other words, MPs would be expected to draw attention to the advice and assistance received whenever others might reasonably consider it to influence them.

25 The correspondence from Mr Corbyn's solicitors, and my reading of the Unite rule book (extract attached as an annex), show that Mr Corbyn had a right, through his membership of Unite, to advice and assistance in employment related disputes. But it seems that the Executive Council of Unite had considerable discretion in determining the nature and extent of that advice and assistance, and the terms on
30 which it was provided. It is this, and the large sums involved, which make these circumstances unusual.

35 We do not recall the Registry team being asked to advise on a case where the nature of the assistance provided and the associated terms were to such an extent subject to the discretion of a membership body. And we are not aware of any earlier decision by the Standards Committee as to whether registration is required in these circumstances, which fall outside the detailed written rules on Category 3 of the Register. However, we think it likely that had we been consulted at the time, the

Registry team would have encouraged Mr Corbyn, as a matter of good practice and in the interests of transparency, to register the advice and assistance he received via Unite under the miscellaneous heading. MPs are expected to register in this way any benefit which others might reasonably consider to influence them, and this would
5 seem to fall into that category. I have no reason to think that Mr Corbyn would have rejected our advice.

Mr Corbyn's solicitors raise the difficulty of valuing legal advice and assistance received before a case has concluded. Our experience is that barristers and solicitors are generally able to provide interim assessments when required.

10 Mr Corbyn's solicitors also question whether MPs ought to be required to register legal advice and assistance. The House has determined that Members ought to register any benefit which others might reasonably consider to influence them, and there is no specific exemption for legal advice and assistance. In an earlier unrelated case, the Committee on Standards and Privileges commented that Members ought
15 not to enter into confidentiality agreements which would conflict with their duties of transparency under the rules of the House.

ANNEX

4.6 The Union will provide legal assistance, as follows:

20 4.6.1 A member who is entitled to benefit who suffers injury or disease arising out of or in connection with his/her employment (or the dependants of such a member who has died) shall be entitled to such legal advice and representation, and on such terms, as the Executive Council may consider appropriate.

25 4.6.2 A member seeking legal assistance must ensure that a request in the appropriate form is lodged at the appropriate Union office in sufficient time and with sufficient information to enable the request to be considered and appropriate action taken.

30 4.6.3 A member who requires advice and/or representation on a problem relating to the member's employment which first arose at a time when the member was entitled to benefit and which cannot be resolved through the member's workplace representative should refer the matter to the appropriate Regional Officer. The Union may provide such advice and/or representation as the Executive Council shall consider appropriate, whether by a full time officer or otherwise, and on such terms as the Executive Council shall consider appropriate.

35 4.6.4 The Executive Council may provide such additional legal advice and representation to members and to members' families as it may consider appropriate.

4.6.5 The Executive Council may extend legal assistance to a member who is not otherwise entitled to benefits.

5 4.6.6 A member who is given advice and/or representation under this rule shall provide all relevant information and co-operate fully with the compilation of evidence for any legal proceedings and shall comply with any other obligations and/or conditions set out in any arrangements for the provision of legal assistance. If a member fails to do so or provides false or misleading information or fails to act upon the advice of those appointed to represent him/her, the Executive Council may at its absolute discretion annul all legal assistance or withdraw any further legal
10 assistance to that member.

4.7 The Executive Council shall have discretion to provide additional benefits.

31 August 2021

8. Email from Rt Hon. Jeremy Corbyn MP to the Commissioner, 14 September 2021

15 Thank you very much your letter of 31st August.

Attached is a letter from Howe and Co answering the further questions raised.

Enclosure 1: Letter from Howe & Co Solicitors to the Commissioner, 14 September 2021

20 Thank you for your letter of 31 August 2021 sent to Rt Hon Jeremy Corbyn MP.

You have raised 4 specific questions which are answered as follows:

1. The case against Mr Evans is not settled and is ongoing. The pre-action discovery application made to the court in January 2021 has completed but the substantive case for reinstatement of the Labour Party parliamentary whip
25 remains live and in issue. Our client is therefore unable to provide the information you request.
2. Our client's position is akin to that of employment. He was elected as a Labour MP and although he is a member of the Labour Party he currently is forced to sit as an independent MP as the parliamentary whip was withdrawn on 29
30 October 2020 and confirmed as withdrawn on 18 November 2020 by the current Leader of the Labour Party and the then Chief Whip of the Labour Party. As matters currently stand, when a general election is called our client will not have the backing of the Labour Party to support his campaign for re-election.

3. In truth, you would have to seek the advice of the Executive Council of Unite the Union to be certain of the answer to your question. We can provide you with contact details if you wish to take the matter up with the Council members. However, it does appear that the wide discretion of the Executive Council in all likelihood was exercised on the basis of rule 4.6.4 of the Union's Rule Book:

"The Executive Council may provide such additional legal advice and representation to members and to members' families as it may consider appropriate."

10 4. As far as our client is aware, Unite the Union has not provided him with legal assistance or other financial support for other legal cases.

Our client would like to thank the Registrar of Members' Financial Interests for her helpful observations.

15 We would like to add that the provision of legal advice and assistance by any organisation, eg a legal expenses insurance company or a trade union, invariably involves the exercise of discretion when it comes to making a decision whether to provide legal assistance to a person entitled to such support under the contractual terms of the relationship. That does not mark out our client's case as different from any other case.

20 Our client has not entered into any confidentiality agreement. He simply has the benefit of a contractual right to legal assistance and support. What is confidential is his legal advice privilege, and we had suggested that a requirement to register any engagement in legal advice that is supported by an insurer, union or society etc in legal costs, would mean that MPs would potentially be required to reveal the fact that they had taken legal advice, which could well be of a sensitive nature, and thereby lose the privacy of having taken confidential legal advice. In particular, we raise concerns about the impact on our client's and other MPs' rights in relation to litigation privilege. Any document, for example communications (emails, letters etc) between an MP and a funder (union, insurer etc) in relation to legal costs and funding for contemplated or ongoing litigation would fall within the scope of litigation privilege. Requiring MPs to register litigation funding arrangements would lead to waiver, when such waiver (or risk of waiver) is not required of other citizens and litigants.

35 Lastly, the difficulty in assessing any value of legal support in an ongoing legal case is that until such time as a litigious matter is concluded, the responsibility for paying legal costs is not established. The usual position in English law is that the loser pays the winners costs. We hope that the above assists. Our client is happy to answer any further questions you may have.

14 September 2021

9. Letter from the Commissioner to Rt Hon. Jeremy Corbyn MP, 23 September 2021

5 Thank you for your letter of 14 September 2021. I now have sufficient evidence to reach a decision on the allegation that you have failed to register financial support provided by Unite the Union for one or more legal cases.

Decision

10 Having reviewed the available information, and considered the matter carefully, I have decided that the financial support you have received from Unite for the legal case of Corbyn vs Evans does not need to be registered in the Register of Members' Financial Interests. As such, I am not upholding [the complainant]'s complaint.

Reasoning

15 You have told me that Unite are providing you with support for the ongoing legal case of Corbyn vs Evans. You have told me that case is about the withdrawal of the Labour Party parliamentary whip, which you have told me is akin to an employment matter. You have told me that your membership of Unite entitles you to access legal advice and assistance for employment disputes and other legal assistance at the discretion of the executive council of Unite. You have told me that this same advice and assistance is available to all members of Unite and that the support you have
20 been provided is therefore not exceptional. You have also confirmed that the case of Corbyn vs Evans remains ongoing. You have also confirmed that Unite have not supported you financially or assisted you with any other legal cases.

25 On the basis that the support you have received from Unite is because of your membership of Unite and not because of your membership of the House, and as the Guide to the Rules does not contain a specific requirement to register legal support provided by a membership organisation, I do not consider that registration is necessary.

Next steps

30 I enclose a copy of the written evidence pack, which includes the correspondence we exchanged during the investigation. In this pack you will find a draft copy of the outcome letter I plan to send to [the complainant] (at page 2). While the content of the letter is a matter for me alone, I would welcome any comments on the factual accuracy of this and the written evidence pack. As is my usual practice, [the complainant]'s name will be redacted from the published pack; please let me know
35 if there are any further redactions you think should be made, and I will consider your request.

I would be pleased to receive any comments you wish to make as soon as possible and no later than Monday 4 October.

5 Once I have any comments you wish to make, I will finalise the pack, which will then be published on my webpages. I will notify you of the publication of the pack. I will also notify the Committee on Standards of the outcome of my inquiry in due course.

In the meantime, our correspondence continues to be protected by parliamentary privilege. Until I send you and [the complainant] my final letters concluding the inquiry, this matter should remain confidential.

Thank you for your co-operation.

10 *23 September 2021*