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## Summary

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I investigated an allegation that the Member had failed to register an overseas visit, made between the 10 and 11 November 2017.

- 5 The Member acknowledged his breach of the rules and apologised for it. He said that he had been aware of the rule but had understood that, as an abstentionist MP, it did not apply to him. He accepts now that it does and has undertaken not to break this rule again.

I have arranged for the relevant entries to be italicised in the Register of Members' Financial Interests, in accordance with the usual practice.

- 10 I concluded my inquiry using the rectification procedure available to me under Standing Order No 150.

## Mr Francie Molloy MP: Resolution Letter

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### Letter from the Commissioner to Mr Francie Molloy MP, 24 June 2019

5 Thank you for your letter of 17 June 2019, acknowledging and apologising for your breach of paragraph 13 of the Code of Conduct for Members (now paragraph 14 of the code). I have asked the Registrar to update your entry in the Register of Members' Financial Interests and, in due course, the relevant entry will appear in italics for a period of twelve months.

10 I enclose a draft copy of the written evidence pack for your information. You are invited to comment on the factual accuracy of the pack, which will be posted on my webpages on conclusion of my inquiry. I would be pleased to have any comments you wish to make on the evidence pack as soon as possible and no later than 1 July 2019.

On conclusion of this inquiry I will shortly report the outcome to the Committee on Standards, at which point I will consider this matter closed.

15 *24 June 2019*

## Written evidence

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### 1. Letter from the Commissioner to Mr Francie Molloy MP, 22 May 2019

5 I would welcome your help with an inquiry I have started into your compliance with the rules about the registration of your financial interest and the late registration of a visit taken by you. The Registrar of Members' Financial Interests has drawn this matter to my attention. The Registrar has provided me with a copy of the email sent to her on the 9 May 2019 by [name of third party redacted] the details of which are set out below.

Marseille, France, 10 November 2017 to 11 November 2017

10 Purpose of visit: Speaker at the 'Marseille Forum'

Flights - £345

Hotel - £80 (90 Euro)

No other costs.

Total - £425

15 Paid for by- European Left Party

Square de Meeus 25

1000 Brussels, Belgium

I have decided to open an investigation on my own initiative, in accordance with the authority given to me through Standing Order No 150.

### 20 **My Inquiry**

My inquiry will focus on whether paragraph 13<sup>1</sup> of the 2015 House of Commons' Code of Conduct for Members required you to register this visit as a financial interest in the Register of Members' Financial Interests (RMFI) and whether there were occasions when the rules would have required you to declare that interest.

25 I enclose a copy of your current register entry for ease of reference.<sup>2</sup>

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<sup>1</sup> Paragraph 14 in the current register

<sup>2</sup> [https://publications.parliament.uk/pa/cm/cmreqmem/190520/molloy\\_francie.htm](https://publications.parliament.uk/pa/cm/cmreqmem/190520/molloy_francie.htm)

### **The Code of Conduct for Members**

Paragraphs 13 of the 2015 edition of the Code of Conduct for Members is the most relevant to this inquiry. I enclose a copy of the Code for ease of reference.

5 Paragraph 13 states:

10 *“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 communication with Ministers, Members, public officials or public office holders.”*

### **The Guide to the Rules relating to the conduct of Members**

*Registration* - The main purpose of the RMFI (the Register) is set out in paragraph 4 of chapter 1 in the Guide to the Rules relating to the conduct of Members (the Guide)

15 *“to provide information about any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament”.*

20 After the publication of the first Register of a Parliament, it is the responsibility of Members to notify changes in their registrable interests within 28 days of each change occurring.

25 The detailed rules on the registration of financial interests under each of the ten registration categories are found in chapter 1 of the Guide to the Rules (copy enclosed).

Paragraphs 31 to 46 of that chapter explain the rules specific to overseas visits and to gifts and benefits from sources outside the UK (category 5).

Chapter 2 of the Guide sets out the rules concerning the declaration of financial interests (copy enclosed). Paragraph 2 of that chapter explains that

30 *“The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the House and on other occasions, of any interest relevant to those proceedings or to the actions or words of a member. The requirement to declare an interest complements the registration requirements and*

*applies from the time the House first sits after the Member is elected and to almost every aspect of a Member's parliamentary duties."*

Paragraph 7 of that chapter lists the occasions on which declaration is required.

5 It might help to draw to your attention, that a declaration may be required in a wide range of circumstances not just during parliamentary proceedings.

### **Next steps**

In the first instance, I would welcome your comments on whether you consider that you have acted in breach of the rules of conduct. In addition to your general comments, it would be helpful if you would address the following points.

- 10 1. Were you aware of the provisions of paragraph 13 of the Code of Conduct for Members?
2. Can you please confirm to me in writing that you are satisfied with the figures provided, and they are a truthful reflection of the cost of your visit?
- 15 3. Did you consider registering the visit sooner, if you did what led to you to decide not to?
4. Are you now satisfied that your current register entry is up-to-date in all other respects?
- If it is not, please contact the Registrar now to bring it up to date.
  - If it is, please describe the steps you have taken to satisfy yourself of this.
- 20 5. Similarly, in light of the provisions in chapter 2 of the Guide, please review whether there are any occasions on which you think you should have made a declaration of interest in respect of any registrable interests, bearing in mind that the occasions on which a declaration is required is not limited to parliamentary proceedings.
- 25 • Please describe the steps you have taken to arrive at your answer to this question.

Please provide any material you have, to support your responses, together with any other supporting evidence you consider to be relevant. It would be helpful to receive as much material as possible at the outset, to expedite my inquiry.

30 Any other points you may wish to make to help me with this inquiry would be most welcome.

**Important information**

As you will be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation into an alleged breach of the Code of Conduct. However, should I receive other allegations about this matter, they will be declined on the basis that I have already begun an inquiry. Such correspondence will emphasise that my decision should be kept confidential.

My office will not otherwise comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally. In response to general enquiries, as well as those from the media, they will neither confirm nor deny that I have begun an inquiry.

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. All the relevant evidence, including our correspondence, will be published when I have concluded my work.

For the avoidance of doubt, you should not disclose the fact of my inquiry nor any matter relating to it to third parties other than anyone whom you need to consult in order to answer my questions. If that is necessary, you should make clear to them these confidentiality requirements. You should also refrain from any comment to the media about this matter.

**Procedure**

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 decision of 19 July 2018.

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.

**Action**

I would be grateful to have your response to this letter as soon as possible and no later than 30 May 2019.

22 May 2019

## 2. Letter from Mr Francie Molloy MP to the Commissioner, 29 May 2019

Thank you for your letter of 22 May, 2019. I am more than happy to help in any way I can with your Inquiry.

5 As you are aware, Sinn Féin met with the Registrar, [name redacted], on Thursday, 04 April as suggested by you. We found this meeting very helpful in clarifying some of the issues around the registration of interest by abstentionist MPs. The Registrar agreed to provide us with further guidance on these issues which she did subsequently.

10 In light of that discussion and guidance I have since registered the international travel which you have copied in your correspondence to me.

You have put a number of questions to me which I have endeavoured to answer as fully as possible;

15 1. I was aware of the provisions of paragraph 13 of the Code of Conduct but did not consider, as a non-participating member, that this applied to me. This issue was not raised with me during the limited induction process as an abstentionist MP.

As an abstentionist MP I have not engaged in any proceeding of the House or its Committees, in any communications with Ministers, Members, public officials or public office holders in relation to any of this travel.

20 I did not receive any financial or material benefit for any of these instances of international travel. These visits were undertaken in line with my party's commitment to sharing the lessons of our peace process and with supporting democratic and peaceful change across the world. The visits to the USA were to brief supporters of the Irish peace process.

25 All of these trips were conducted in an open manner and were publicised at the time by my party.

30 On a more general point, as an Irish republican elected on an abstentionist platform, I do not, on a point of political principle, make the Affirmation or take the Oath of loyalty to the British monarch as is necessary for anyone wishing to become a participating member of the British House of Commons. I do not sit in the Westminster Parliament, I do not undertake parliamentary duties and I do not receive any remuneration from the Westminster Parliament. I have, up to this point, not registered international travel with the Registrar in Westminster and, up to now, this issue has not been raised with me, including, 35 crucially, during the induction process. The Code of Conduct was obviously worded with participating 'Members of the House' in mind. The unique circumstances that apply to politically abstentionist MPs was never singularly



set-out and we never thought ourselves to be 'Members of the House' as we do not participate in the business or operations of the British House of Commons.

5 Having made these points, I want to also make very clear that I and Sinn Féin generally have no reluctance or difficulty with providing information to the Register or in making a declaration of interest where this is relevant. Sinn Féin fully supports the principle of transparency and public accountability. Indeed, we register international visits with the Electoral Commission which are over the stipulated threshold. All international visits by MPs are also widely publicised as an important aspect of our political work of sharing the experiences of our politics and peace process internationally and, in particular, with areas experiencing political instability and conflict.

10 Following the public commentary in respect of international visits taken by Sinn Féin MPs, I (our group [name redacted]) wrote to you to suggest a meeting to discuss these issues to ensure clarity and a shared understanding. As I have already mentioned, Sinn Féin met with the Registrar, [name redacted], who subsequently provided additional guidance in respect of visits to the USA and paid for by Friends of Sinn Féin. Notwithstanding the unique circumstances of politically abstentionist MPs and the ambiguity in the Code, I am more than happy to accept the guidance provided by the Registrar on the information that I should provide now and in the future and to declare when necessary any interest in respect of any registrable interests.

2. Yes, I am satisfied that these figures accurately reflect the costs.
3. I did not consider registering international travel sooner as I did not consider, as a nonparticipating member, that this applied to me, particularly since this was not raised with me during the limited induction process as an abstentionist MP. After receiving the helpful advice and guidance from the Registrar I did register international travel as quickly as was possible. The issue of registering visits abroad was not from memory flagged up to me in my induction as a new MP which dealt primarily with the issues of passes and staffing.
4. After engaging with the Registrar to discuss how the Rules apply to an abstentionist MP, I am more than happy to accept her guidance on this issue and can confirm that, having checked my records going back to 2016, I have provided all the necessary information.
5. I am confident that there has been no such occasion. I come to this answer as there are limited instances where this would apply to me. For example: I do not participate in the business of the House; I do not vote; I do not speak in the Chamber or in committees; I do not table oral or written Questions; I do not apply for urgent Questions or emergency debates; and I do not table motions. I have rechecked my records and I am confident that in those instances which would be applicable to my work there have not been any occasions where such

a declaration would have been required in relation to international travel or otherwise.

5 Given the complexity of the issues involved and the absence of any provision for circumstances where elected members refuse to participate in the normal business of the Westminster Parliament, I believe that a discussion between us would be helpful in avoiding any confusion or misunderstanding in the future.

29 May 2019

### 3. Letter from the Commissioner to Mr Francie Molloy MP, 12 June 2019

10 Thank you for your letter 29 May 2019, the information you have provided has been most helpful.

15 Thank you for confirming that the costs of your visits listed were accurate, and for contacting the Registrar to ensure that your Register entry is complete and up to date.

20 I have taken note of your comment *“I was aware of the provisions of paragraph 13 of the Code of Conduct but did not consider, as a non-participating member, that this applied to me. This issue was not raised with me during the limited induction process as an abstentionist MP.”* However, you have served as an MP since 7 March 2013, and the Code of Conduct makes clear your responsibilities.

Paragraph 1 of the Introduction to the Guide to the Rules relating to the Conduct of Members provides the following guidance.

25 *“The Code of Conduct provides a set of rules to which Members must adhere. Members are personally responsible for their adherence to the Code, including when breaches may have been caused by the actions of a staff member.”*

#### My decision

30 As you have acknowledged after receiving guidance from the Registrar, you should have registered your one foreign visit taken between 10 November 2017 to 11 November 2017. Your failure to do so at the time was a breach of paragraph 14<sup>3</sup> of the Code of Conduct for Members.

35 This breach is at the less serious end of the spectrum, Standing Order No 150 makes provision for me to conclude an inquiry without making a referral to the Committee on Standards in certain circumstances.

The Committee would generally expect the Member to have acknowledged and apologised for their breach of the rules, and to have taken any steps necessary to rectify their breach.

5 As you have accepted, you breached the rules and have taken steps to rectify the breach. In your reply to this letter if you were to apologise to me for breaching the rules and undertake to ensure that this will not happen again, I would be able to conclude this inquiry using the rectification procedure.

10 All that would then remain for me is to ask the Registrar to arrange for the relevant entries to be italicised in the Register of Members' Financial Interests to indicate that they have been the subject of an inquiry and rectification.

Next steps

If you are content for me to conclude the inquiry in this way, I would be grateful to have your response to this letter as soon as possible and no later than 21 June 2019.

*12 June 2019*

15 **4. Letter from Mr Francie Molloy MP to the Commissioner, 17 June 2019**

I refer to the above matter and to your recent correspondence following the outcome of your inquiry.

20 Having a clearer understanding of the procedures now I have rectified the matter and apologised for failing to register the particular matter in a timely and proper manner. I will ensure that any future arrangements are registered at the earliest opportunity.

I trust that this is acceptable to yourself and thank you for your assistance.

*17 June 2019*