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Summary

I investigated an allegation that the Member had failed to register three overseas visits, made between 10 March 2016 and 11 April 2018.

- 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 Gregory Campbell MP: Resolution letter

Letter from the Commissioner to Mr Gregory Campbell MP, 10 July 2019

5 I wrote to you on 12 March 2019, informing you that I had begun an inquiry into your allegation that Mr Mickey Brady MP had breached the House's rules on the registration of financial interests, in respect of an overseas visit to Venezuela.

In my correspondence with Mr Brady he has acknowledged that he should have registered sooner his visit to Venezuela in 2017. After receiving advice from the Registrar, Mr Brady has also agreed that three other overseas visits should also have been entered on the Register of Members' Financial Interests.

10 I am writing now to let you know that I have concluded my inquiry using the rectification procedure available to me under Standing Order No 150. The rationale for that decision is set out in my letter to Mr Brady which is reproduced at item 10 of the enclosed written evidence pack. I am satisfied that Mr Brady now understands the need to register interests and will do so in the future. The relevant items in the
15 Register will be shown in bold italics for the next twelve months.

I will notify the Committee on Standards of the outcome of my inquiry in due course, and this letter and the relevant written evidence will be made available on my parliamentary website. I now consider this matter closed.

Written evidence

1. Letter from Mr Gregory Campbell MP to the Commissioner, 8 February 2019

I would like to bring to your attention recent press surrounding trips to Venezuela undertaken by Sinn Fein representatives.

- 5 Those trips consisted of Mickey Brady MP who travelled in July 2017 to Venezuela, [third party information redacted] who travelled to the country in January this year for the inauguration of Nicholas Maduro.

However I note that neither Mickey Brady nor [name redacted] have registered their trip to the House of Commons. Is the Standards Commissioner aware of these trips?

- 10 In the interest of integrity in public office I believe it should be a matter for you as the Parliamentary Commissioner for Standards to rigorously investigate this breach of conduct.

8 February 2019

15 2. Letter from the Office of the Parliamentary Commissioner for Standards to Mr Gregory Campbell MP, 11 February 2019

Thank you for your letter to the Commissioner dated 8 February 2019, I have been asked to reply.

In your letter you ask the Commissioner to investigate a breach of the Code of Conduct for Members, by Mr Mickey Brady MP and [name redacted].

- 20 In order for the Commissioner to consider your complaint you would need to set out clearly which of the rules you believe each person may have breached and the reasons for that. You would also need to provide supporting evidence and any information you believe may be relevant at the outset.

- 25 Although you have indicated that there has been recent press coverage of overseas trips, undertaken by these Members, it would be helpful if you could indicate the exact publications and dates of the coverage that you refer to.

Once the Commissioner has received this additional information she will be able to consider whether she should start an inquiry.

11 February 2019

3. Letter from Mr Gregory Campbell MP to the Office of the Parliamentary Commissioner for Standards, 22 February 2019

5 Thank you for your letter in response to my request for an investigation into the breach of the Code of Conduct for Members by [name redacted] and Mr Mickey Brady MP.

Specifically I would ask the Commissioner to investigate the breach of Paragraph 14 of the Code of Conduct where it states:

"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests."

10 There is no entry in the Register of Members' Financial Interests for either [name redacted] or Mr Brady in relation to visits to Venezuela.

15 Below is evidence which I believe will be of assistance to the Commissioner in pursuing this investigation. Specifically I would point the Commissioner to Sinn Fein's statement that the cost of travel was met by the CNE which is an arm of the Venezuelan government. I do not believe it would be possible for the travel paid for by the Venezuelan government to be below the threshold requiring declaration. Sinn Fein have not made any public reference to who paid for accommodation.

It is also clear that the activities of both Members was connected with their role as Members of Parliament and with their political activities.

20 I look forward to hearing from you in relation to this matter.

22 February 2019

4. Letter from the Commissioner to Mr Mickey Brady MP, 12 March 2019

25 I am writing to tell you that I have begun a formal inquiry into an allegation arising from media reports of you making a visit to Venezuela 2017 as an election observer. It has been reported in the media that the cost of this visit was met by an overseas donor. This visit has not been registered in the Register of Members' Financial Interests.

I enclose the letter I received from Mr Gregory Campbell MP, drawing this matter to my attention.

30 **My Inquiry**

My inquiry will focus on whether paragraph 13 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 and whether there were occasions when the rules would have required you to declare that interest.

I enclose a copy of your current register entry for ease of reference.

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.¹

5 Paragraph 13 (paragraph 14 in the current code) 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

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

20 “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”.

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).

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

“The declaration of interests ensures that “Members, the public and others are made aware at the appropriate time, in proceedings of the

¹ <https://publications.parliament.uk/pa/cm201516/cmcode/1076/107601.htm>

5 *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.

Next steps

10 In the first instance, I would welcome your comments on the allegation that you have acted in breach of the rules of conduct. In addition to your general comments, it would be helpful if you would answer the following questions.

1. Were you aware of the provisions of paragraph 13 of the Code of Conduct for members?
2. Had you considered registering this visit in the Register of Members' Financial Interests?
 - 15 a) If you had and you decided that registration was not necessary, please explain the basis for that belief.
3. Who met the costs arising from your visit to Venezuela in 2017?
4. What was the purpose of the visit?
5. What was the total value of the hospitality provided?
 - 20 a) Please provide a breakdown of all the costs met by the donor(s), including: flights; hotels; other transport costs covered by the donor(s) (for example, internal travel on arrival); meals, security, etc. (Please note that the calculation of registrable costs is based on the full value, not any discounted rates.)
- 25 6. In light of your reading of chapter 1 of the Guide to the Rules, do you have any other registrations to make in this, or any other, category?
7. 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
30 that the occasions on which a declaration is required is not limited to parliamentary proceedings.
 - a) 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, in order to expedite my inquiry.

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

Important information

10 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.

15 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.

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

25 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.

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.

35 I should say now, as a matter of courtesy, that I may seek the advice of the Registrar of Financial Interests in the course of this inquiry. I may also seek evidence direct from third parties.

Action

I would be grateful to have your response to this letter as soon as possible and no later than 26 March 2019.

Please let me know before that date if you think more time is required.

5 *12 March 2019*

5. Letter from Mr Mickey Brady MP to the Commissioner, 20 March 2019

I refer to your letter in relation to the registration of international travel and specifically a visit I made to Venezuela two years ago.

10 You have set out a number of questions in relation to that visit to Venezuela in July 2017 which I undertook as an international observer during National Constituent Assembly elections. I will endeavour to answer these questions as best I can before addressing the overarching issue of the complaint to you.

15 I travelled to Venezuela at the invitation of the Venezuelan National Electoral Council (CNE). The total cost for the travel and accommodation on this visit was met by the National Electoral Council. The International Department of Sinn Féin has written to the National electoral Council in Venezuela to ask for the detailed costings for this visit to be broken down in the way that you have requested. I will forward these to you as soon as these become available to me.

20 The purpose of the visit was to observe the conduct of the National Constituent Assembly elections as part of a delegation of international observers made up, for example, of political representatives, trade unionists and lawyers.

25 My visit to Venezuela was undertaken and conducted openly and was publicised at the time both in Ireland and in Venezuela. In fact the complaint that you are investigating results directly from the publicity that accompanied this trip. My trip to Venezuela and my role as an international observer was open and well publicised at the time and since.

30 I received no payment and did not materially benefit in any way from this political work. On the contrary, this visit took me away from my family and put me at significant personal risk. I however, undertook this work in line with my party's commitment to share the lessons and experience of the Irish peace process in other troubled parts of the world.

This then takes us to the central issue of the complaint you are examining in relation to my registration of international travel as a Sinn Féin abstentionist MP.

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 have, up to this point, not registered international travel with the Registrar in Westminster.

However, given the recent public commentary in relation to this issue, I understand that our MP group leader, [name] wrote to you on 22 February this year requesting a meeting to discuss this issue at which he intended to seek clarify on the requirements on abstentionist MPs to register travel with the Westminster parliamentary Registrar. Helpfully, you suggested he meet, in the first instance, with the Registrar and we have agreed to do this meeting in the immediate future, subject to [her] availability.

I would hope that at this meeting we can clarify any issues around the registration of international travel by Sinn Féin abstentionist MPs and any other matters that might arise. I will be happy to accept the view of the Registrar in this regard and to act in line with any guidance provided - in the context of my right to refuse to make the affirmation or take the oath of loyalty to the British monarch or participate in a Parliament from which I am democratically mandated to abstain.

Similarly, if you as Commissioner, would like to provide advice or guidance in advance of our meeting with the Registrar, then I am also happy to accept this and to act accordingly. In this regard, I would therefore like to take you up on your offer of a meeting at a time that is most productive and which is convenient for you. This might best take place following our party's discussion with the Registrar though I will be guided by you on this. [Information about a third party redacted.]

20 March 2019

6. Letter from the Commissioner to Mr Mickey Brady MP, 3 April 2019

Thank you for your letter dated 20 March 2019, as well as your follow up email of the 25 March 2019.

I am aware that you are due to meet the Registrar, [name redacted], on Thursday 04 April 2019. In the meantime, can I draw your attention to the Committee on Standards and Privileges Sixth Report, *Registration of Interests by Members who have not taken their seat*, published on 12 February 2002².

The Committee agreed with the advice they had received in a Memorandum submitted by the Clerk of the House, that;

2

<https://web.archive.org/web/20020907202408/http://www.publications.parliament.uk/pa/cm200102/cmselect/cmstnprv/624/62402.htm>

... the Code of Conduct and the obligation to register and declare interests apply to all Members whether or not they have taken their seat.

5 Can I also point out that the rules regarding the Registration of Members' Financial Interests currently states;

10 *2. The House requires new Members, within one month of their election, to register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election. After that, Members are required to register within 28 days any change in those registrable interests. Such a change includes both the acquisition of a new interest and the ceasing of any registered interest, for example because an employment has ceased or because a holding has reduced in value or been sold.*

15 Once you have met with the Registrar I look forward to receiving your reply to my previous letter as soon as possible, and no later than 12 April 2019.

If by this date you have not received the information regarding the breakdown of costs you have requested, please let me know when you might expect to receive this.

3 April 2019

7. Letter from Mr Mickey Brady MP to the Commissioner, 12 April 2019

20 Thank you for your letter of 3 April 2019.

As you are aware, Sinn Féin met with the Registrar, [name redacted] on Thursday 4 April as suggested by you. We found this meeting very helpful in clarifying some of the issues around the registration of interests by abstentionist MPs. The Registrar agreed to provide us with further guidance on these issues, which she did yesterday.

25 In light of that discussion and guidance, I am providing as comprehensive a response as I can to your specific questions.

1. Were you aware of the provisions of paragraph 13 of the Code of Conduct for Members?

I was aware of these provisions and the requirement that

30 *"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interest in the Register of Members' Financial Interests."*

The Guide to the Rules sets out the registration requirements to provide information:

5 *"...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".*

10 As an abstentionist MP I do not participate in any actions, speeches or votes in Parliament so in relation to this point I did not believe I was required to register the visit to Venezuela. In relation to the second criterion requiring information to be provided where *"financial interest of other material which a Member receives which might reasonably be thought by others to influence his or her actions... taken in his or her capacity as a Member of Parliament"*, I would first point out that I did not receive any financial or material benefit from my visit to Venezuela. On the contrary, this visit involved considerable personal risk given the ongoing political instability in

15 Venezuela. The visit was 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. To reiterate I had no financial interest in, and received no material benefit from, this trip so in relation to this point I did not believe I was required to register the visit to Venezuela.

20 This visit to Venezuela was as an observer of the democratic process there and did not in any way influence any action taken in my capacity as a Member of Parliament.

25 Paragraph 13 further states that Members are required to 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."* I have not engaged in any proceeding of the House or its Committees, in any communication with Ministers, Members, public officials or public office holders in relation to my visit to Venezuela.

30 My visit to Venezuela was conducted in an open manner and was publicised at the time by my party. In fact the visit attracted widespread commentary in both Ireland and in Venezuela as my visit was made as part of an international delegation of observers and was undertaken in an attempt to assist the democratic process in Venezuela.

35 On a more general point, as I outlined in my earlier letter to you, 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 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

40 Registrar in Westminster and, up to now, this issue has not been raised with me. In re-reading the Code of Conduct there is ambiguity as the Code was obviously

designed for participating MPs and it is clear that the unique circumstances that apply to politically abstentionist MPs was never considered or envisaged.

5 Having made these points, I want to also make clear that I and Sinn Féin generally have no reluctance or difficulty with providing information to the Registrar. 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
10 instability and conflict.

Following the public commentary in respect of international visits taken by Sinn Féin MPs, our group leader [name redacted] wrote to you to suggest a discussion to discuss these issues because of the lack of clarity or shared understanding. As I have already mentioned [names redacted] met with the Registrar [name redacted] has
15 now provided additional guidance in respect of the visit 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 I should provide now and in the future.

20 **2. Had you considered registering this visit in the Register of Members' Financial Interests?**

a) If you had and you decided that registration was not necessary, please explain the basis for that belief.

25 As set out in my answer to Question 1. I do not participate in any actions, speeches or votes in Parliament so in relation to this point I did not believe that I was required to register the visit to Venezuela. In relation to the second criterion requiring information be provided where "*...financial interest or other material benefit which a member receives which might reasonably be thought by others to influence his or her actions ...taken in his or her capacity as a Member of Parliament* ", I would point out
30 that I did not receive any financial or material benefit from my visit to Venezuela. On the contrary. This visit took me away from my family and was undertaken at considerable personal risk in the context of the political instability in Venezuela. The visit was undertaken in line with my party's commitment to sharing the lessons of our peace process and with support in democratic and peaceful change across the
35 world. To reiterate I had no financial interest in, and received no material benefit from, this trip so in relation to this point I did not believe that I was required to register the visit to Venezuela.

This visit to Venezuela was as an observer of the democratic process there and did not in any way influence any action taken in my capacity as a Member of Parliament.

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My visit to Venezuela was conducted in an open manner and was publicised at the time by my party. In fact, the visit attracted wide commentary in both Ireland and in Venezuela as my visit was made as part of an international delegation of observers in an attempt to assist the democratic process in Venezuela.

- 5 The issue of registering visits abroad was not from my memory flagged up to me in my induction as a new MP which dealt primarily with the issues of passes and staffing. I would have expected that if this requirement applied to me and other abstentionist MPs that this would have been made clear and explicit.

3. Who met the costs arising from your visit to Venezuela?

- 10 The Venezuela National Electoral Council met the costs arising from my trip including travel costs and accommodation.

4. What was the purpose of the visit?

- 15 I travelled to Venezuela at the invitation of the Venezuelan National Electoral Council as part of a delegation of international observers. This trip was taken for one purpose which was to observe the conduct of the Presidential elections. The delegation of international observers included members from the legal profession, trade unionists and political representatives. I undertook this role as my party is committed to sharing internationally our experiences of conflict resolution, democratic change and the Irish peace process. I made no personal financial or
20 material gain from the visit and it did not involve political lobbying.

5. What was the total value of the hospitality provided?

- a) Please provide a breakdown of all the costs met by the donor(s), including: flights; hotels; other transport costs covered by the donor(s)**

- 25 The International Department of Sinn Féin has written to the National Electoral Council in Venezuela to ask for the detailed costing of the visit. Once these become available I will forward them to you. However, given the political instability in Venezuela I am unable to give any indication of when these might be forthcoming. We did discuss this issue with the Registrar who told us that informed estimates are
30 acceptable if exact costings cannot be provided. If you are content for us to provide such estimates based on air fares, accommodation and other costs, I am happy to provide these as quickly as I can put them together.

6. In light of your reading of chapter 1 of the Guide to the Rules, do you have any other registrations to make in this or any other category?

- 35 As stated previously, I have never declared any international travel to the Registrar. Neither has any of my abstentionist Sinn Féin colleagues. We are currently engaging
-

with the Registrar to establish how the rules are applied to an abstentionist MP and are more than happy to accept her guidance on this issue.

5 Upon reading chapter 1 of the Guide, there is an ambiguity in relation to abstentionist MPs who do not participate in the business of Parliament. Under the terms of the Code, the Duties of Members is applicable "*by virtue of the oath or affirmation of allegiance taken by all Members*". This does not take into account the Sinn Féin MPs who are elected on the mandate to abstain from swearing or affirming an oath of allegiance.

10 Despite this anomaly Sinn Féin MPs are compliant with the General Principles of Conduct in the Code and act at all times with integrity, objectivity, accountability, openness and honesty. In light with this and in light of the advice provided in our meeting with the Registrar, I am happy to provide the registrar with the costing for another international visit I made to Colombia from 5 to 8 April 2018 as part of an international delegation monitoring the peace agreement sponsored by 'Justice for
15 Colombia'. I have asked for costings of this trip to be sent to me and will provide the full details to the Registrar as soon as I have them.

Further guidance from the Registrar on visits to the USA paid for by Friends of Sinn Féin was provided by our group leader, [name], yesterday. I am happy to register visits to the USA as advised by the Registrar and will provide the information as soon
20 as I receive this from Friends of Sinn Féin.

**7. Similarly, in light of the provisions of chapter 2 of the Guide, please review whether there have been 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
25 parliamentary proceedings.**

a) Please describe the steps you have taken to arrive at your answer to this question.

30 In reading Chapter 2 it would arguably be necessary for an abstentionist MP to declare a relevant interest only when they are in communication with those who are responsible for matters of public policy, public expenditure or the delivery of public services.

I can confirm that I have never communicated orally or in writing to any ministers, Members or public officials in respect of any matter which would be classified as a registerable interest.

35 However, in light of the advice provided in our meeting with the Registrar, I am happy to provide the registrar with costing for another international visit I made to China in October 2017 at the request of the Ulster University. I have asked for costings for this trip to be sent to me and will provide the full details to the Registrar as soon as I have them.

Further guidance from the Registrar on visits to the USA paid for by Friends of Sinn Féin was provided to our group leader [name redacted] yesterday. I am happy to register visits to the USA as advised by the Registrar and will provide the information as soon as I receive this from Friends of Sinn Féin.

- 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 would help to clarify our approach to these issues now and into the future. The meeting with the Registrar which you suggested was certainly most productive in this regard. I would therefore
10 like to take you up on your offer of a meeting at a time when this is most productive and which is convenient for you. I understand that my colleague, [name redacted] is writing to you in similar terms.

12 April 2019

8. Letter from the Commissioner to Mr Mickey Brady MP, 20 May 2019

- 15 Thank you for your letter of 12 April 2019 and for your commitment to the principle of transparency and public accountability.

The information you have provided is helpful. You said that you are an abstentionist MP and do not participate in any action, speeches and votes in Parliament.

The Standards and Privileges Committee's Sixth Report of Session 2001 – 2002

- 20 *Registration of Interests by Members who have not taken their seat says:*

- 25 “Following the decision of the House on 18 December 2001 that Members who had chosen not to take their seat might use the facilities of the House and claim certain allowances, we have considered the position of such Members in relation to the Code of Conduct and the rules on registration and declaration of interests. We have received a memorandum from the Clerk of the House which is appended to this report.

We agree with the Clerk's advice that the Code and the rules apply to all Members whether they have taken their seat or not.

- 30 We note that paragraph 10 of *The Guide to the Rules* provides that:

Members of Parliament are required to complete a registration form and submit it to the Commissioner for Standards within three months³ of taking their seats."

The Code of Conduct for Members

- 5 Paragraph 14 of the Code, requiring Members to disclose their financial interests does, therefore, apply to you and other abstentionist Members.

The Registrar has provided me with the following information about your visits sent to her by [name redacted] on 9 May 2019.

- 10 **New York City & New Bedford MA, USA, 10th March to 18th March 2016.**

Purpose of visit: Meetings organised by Friends of Sinn Féin

Flights - \$870.63

Hotel - \$743.50

Total - \$1614.13

- 15 No other costs.

Total sterling cost - £1,247.70

Paid for by - Friends of Sinn Féin, Inc.

420 Lexington Ave Rm 300

New York NY 10170

- 20

Venezuela, 27th to 31st July 2017

Purpose of visit: International Observer of 30th July Constitutional Assembly elections.

³ One month on being elected in the current Code

Estimated Costs:

Flights - £613.00

Hotel - £365.56

Food - £100

5 Total - £1,078.56

Paid for by - National Electoral Council of Venezuela (CNE)

Plaza Caracas

Caracas

Venezuela

10

Colombia, 4th to 11th April 2018

Purpose of visit: Peace Monitor Delegation.

Costs for flights, accommodation and food - £1,922.10

Paid for by - Justice for Colombia,

15 75 St John St, London EC1M 4NN, England.

England

Please say whether you are content that the figures above are accurate and complete.

20 Please review your current Register entry and let me know if it is complete and up to date. If it is not, please contact the Registrar to bring it up to date.⁴

I would be grateful to have your response to this letter as soon as possible and no later than the 27 May 2019.

⁴ On 22 May 2019 Mr Brady registered another overseas visit, which had taken place on 19-22 April 2019

I have asked my Personal Assistant [name redacted] to contact you to arrange a suitable date and time for a meeting as you requested.

20 May 2019

9. Letter from the Commissioner to Mr Mickey Brady MP, 19 June 2019

5 Thank you for meeting me yesterday. I did not take a formal note of our meeting, as this was not a formal evidence gathering meeting; you had provided the material relevant to my decision in advance.

10 Before we met you had amended your register entry to record the details of four overseas visits and confirmed that your Register entry was complete and up-to-date as of 10 June 2019.

15 In your letter of 12 April 2019, you said "*I have, up to this point, not registered international travel with the Registrar in the Westminster parliament and, up to now, this issue has not been raised with me*". However, I think it is fair to record that my office offered you a briefing on the Code and your responsibilities under it, which you did not take up, on your election in 2015.

20 You also said in your letter that there is an ambiguity in the Code of Conduct which was "*obviously designed for participating MPs and it is clear that the unique circumstances that apply to politically abstentionist MPs was never considered or envisaged*." You point specifically to part III of the Code "*Duties of Members*" and say these are "*applicable 'by virtue of the oath or affirmation of allegiance'....*"

25 I do not agree that the Code is ambiguous. The rules of conduct are found in part V of the Code and are not contingent on affirmation or taking the oath of allegiance. And, as I had set out in my letter of 3 April 2019, the position of abstentionist MPs was considered in 2002, when the Committee agreed that "*...the Code of conduct and the obligation to register and declare interests apply to all Members whether or not they have taken their seats*."

30 For the avoidance of any doubt in future, I should also say clearly now that all Members are required to make a declaration if the test of relevance is met, in the circumstances set out in chapter 2 of the Guide to the Rules. The requirements to make a declaration go wider than just a Member's registrable interests; including

- past interests (normally limited to those active within the previous 12 months);
- indirect financial interests;
- expected future interests;

- financial interests of a sort which do not require registration;
- financial interests which require registration but have not yet appeared in the Register; and
- any registered non-financial interests.

5 I appreciate that you did not enjoy a personal financial gain as a result of the overseas visits you have now registered but they might, nonetheless, be declarable if others might reasonably think - in the relevant timeframes - that they might influence your actions or words as a Member.

My decision

10 You should have registered four overseas visits which you made between March 2016 and April 2019 sooner than you did (in May 2019). Your failure to do so at the relevant times was a breach of paragraph 13⁵ of the Code of Conduct for Members.

Concluding my inquiry

15 When we met, you apologised for your breach of the rules and I said that I would be willing to conclude this matter by way of the rectification procedure. Standing Order No 150 allows me, in certain circumstances, to complete an inquiry in this way without making a referral to the Committee on Standards. As your breach of the rules is at the less serious end of the spectrum, I am content to use that procedure on this occasion.

20 If you agree with this proposal, all that would remain would be for me 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. I would then write to the complainant to tell him the outcome (sending him a copy of the evidence pack) and, in due course, notify the
25 Committee on Standards of the outcome.

Next steps

If you are content for me to conclude the inquiry in this way, I would be grateful to have your comments on the factual accuracy of the enclosed evidence pack as soon as possible and no later than 25 June 2019. This is the material I would post on my
30 webpages (here: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-the-commissioner-has-rectified/rectifications-2018-191/>) after concluding my inquiry.

⁵ Paragraph 14 in the 2015 Code of Conduct

In the meantime, I should remind you that this matter remains confidential and protected by parliamentary privilege.

19 June 2019

10. Letter from Mr Mickey Brady MP to the Commissioner, 25 June 2019

5 Thank you for your letter dated 19 June 2019. I am content for you to conclude the enquiry in the way you have outlined. I also agree with the factual accuracy of the enclosed evidence pack.

10 I would also like to apologise for any inconvenience caused to your office, and on a personal note I would like to thank you for your help and understanding in dealing with these issues.

25 June 2019

11. Letter from the Commissioner to Mr Mickey Brady MP, 02 July 2019

15 Thank you for your letter of 25 June 2019, and your comments regarding the factual accuracy of the written evidence pack. 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.

I will finalise my letter to Mr Gregory Campbell MP and send you both a copy of the final evidence pack. I will, in due course, report the outcome to the Committee on Standards, at which point I will consider this matter closed.

20 *02 July 2019*