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Summary

5 I opened an inquiry on 27 November 2023, after receiving a complaint that Mr David Duguid MP had failed to declare a relevant interest when making contributions to the House, contrary to Rule 6 of the 2023 Code of Conduct and Rule 14 of the 2019 Code of Conduct ("the Code"). It was alleged that Mr Duguid had failed to disclose his wife's shareholding in BP when making contributions in matters relating to the oil and gas industry.

10 I sought comments from Mr Duguid who said that he had not felt there was ever a requirement for him to declare the interest as the interest was not on his Register of Interests, and he did not believe the interest had had any bearing on his actions as a Member of Parliament.

15 My investigation focused on representations made by Mr Duguid in the last twelve months. I reviewed the information available to me and concluded that, in accordance with the Code, Mr Duguid's wife's shareholding satisfied the test of relevance and should have been declared on the following occasions:

23 March 2023: [*Energy Trilemma - Hansard - UK Parliament*](#)

9 May 2023: [*Energy Bill \[Lords\] - Hansard - UK Parliament*](#)

20 9 November 2023: [*Making Britain a Clean Energy Superpower - Hansard - UK Parliament*](#)

I am satisfied (on the balance of probabilities) that the failures to declare the interest were inadvertent, arising from a lack of understanding about how Chapter 2 of the Guide is intended to operate. In view of this, I decided to conclude my inquiry by way of the rectification procedure available to me under Standing Order No. 150.

25

Resolution letter: Mr David Duguid MP

Letter from the Commissioner to the Complainant, 8 February 2024

5 I wrote to you on 27 November 2023 to tell you that I had begun an inquiry into your allegation that David Duguid MP had breached rule 6 of the 2023 and paragraph 14 of 2019 of the House of Commons Code of Conduct for Members.

10 Mr Duguid MP has acknowledged and apologised for their breach of the rules and agreed to attend training on the operation of Chapter 2 of the Guide to the Rules. The full rationale for my opinion can be found in my letter to Mr Duguid MP, dated 19 January 2024 (item 8 in the written evidence pack), which you can access once the evidence pack has been published.

I consider this breach to be at the less serious end of the spectrum and have decided that this inquiry should be concluded through the rectification procedure, available to me through the House of Commons' Standing Order No. 150.

15 I will publish my opinion and the written evidence pack shortly on my webpages [Rectifications: 2024 - UK Parliament](#) and I will report the outcome to Committee on Standards in due course.

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

8 February 2024

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Written evidence

1. Letter from the Complainant to the Commissioner, 19 October 2023

I write on the subject of Mr David Duguid MP and his wife's BP shareholdings.

5 I obtained from BP confirmation that Mr Duguid's wife, [name redacted], has a significant BP shareholding (current value in excess of £50k). [Mr Duguid's wife's] shareholding started on the date that Mr Duguid's ceased. I attach the spreadsheet which details this information. I will email the password separately.

10 I note that Mr Duguid frequently speaks on matters related to the oil and gas industry, without declaring an interest, including to criticise windfall taxes on the oil and gas companies, and more recently.

<https://hansard.parliament.uk/Commons/2023-09-19/debates/374EDAE6-0298-415B-BE76-FF971D3560E5/details#contribution-C619A64A-79BD-4653-A39C-16ED2FB05DA2>

More details about his parliamentary contributions can be found here.

15 https://www.theguardian.com/politics/2023/jul/09/tory-mp-david-duguid-criticised-windfall-tax-oil-firms-wife-bp-shares?CMP=share_btn_link

I note also that Mr Duguid does not make reference to his wife's shareholding in the register of members' interests (see below).

<https://members.parliament.uk/member/4606/registeredinterests>

20 I believe there is a strong case that Mr Duguid might have breached the following Rules of Conduct for MPs:

2. Members must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

25 I would argue it is in the public interest for Mr Duguid's family BP shareholding to be publicly acknowledged when he participates in debates relevant to this shareholding.

30 *5. Members must fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. New Members must register all their current financial interests, and any registrable benefits (other than 1 Resolution of 19 July 2018 4 The Guide to the Rules relating to the Conduct of Members earnings) received in the 12 months before their election within one month*

of their election, and Members must register any change in those registrable interests within 28 days.

5 I believe that it would be open to, and appropriate for Mr Duguid to register this shareholding under Category 8 miscellaneous to avoid any perceived conflict of interest.

6. Members must always be open and frank in declaring 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.

As noted above Mr Duguid does not declare the BP interest in relevant debates.

10 I would be grateful if you could look into this matter and confirm whether you will investigate this as a possible breach of the MP's Code of Conduct.

I look forward to your response.

19 October 2023

2. Letter from the Commissioner to the Complainant, 27 November 2023

15 Thank you for your submission of 19 October 2023, setting out your allegation of a breach of House of Commons rules by Mr David Duguid MP. I have decided to begin a formal inquiry into whether Mr Duguid has breached paragraph 6 of the 2023 and paragraph 14 of the 2019 House of Commons' Code of Conduct for Members.

20 Please see this link for the [Procedural Protocol in respect of the Code of Conduct \(parliament.uk\)](#), which was approved by the House on 18 October 2022. This sets out detailed information about the House's standards procedures, including the procedure I follow.

I am also writing to the Member to share your complaint and let them know I have opened this inquiry.

25 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 into this allegation. My office will not comment on any aspect of the inquiry to third parties. They will answer factual questions about the processes I follow and the standards system more generally. I must ask that you
30 respect that confidentiality and the decision of the House.

All your correspondence with my office, including this letter, is now part of the evidence for this inquiry and is protected by parliamentary privilege. You must not discuss this matter, or share the contents of our correspondence, with any third party.

I will contact you again when the inquiry is finished. Please be aware I do not give progress reports during the course of an inquiry. When the matter has been concluded, my opinion on whether there has been a breach of the Code, the reasons for it and all the relevant evidence will be published on my webpages and put into the public domain.

27 November 2023

3. Letter from the Commissioner to Mr David Duguid MP, 27 November 2023

Following receipt of an allegation I have received from [complainant's name redacted] about your compliance with rule 6 of the 2023 and rule 14 of 2019 of the House of Commons Code of Conduct for Members, I have decided to open a formal inquiry. I enclose a copy of [complainant's name redacted] submission with supporting documentation.

The scope of my inquiry

My inquiry will focus on whether you have acted in breach of rule 6 of the 2023 and rule 14 of 2019 the House of Commons Code of Conduct for Members by failing to declare relevant interests during the past 12 months. If the scope of my inquiry changes, I will update you in writing.

My inquiry will focus on the following contributions in the House:

1. 9 November 2023¹
- 20 2. 5 September 2023²
3. 19 September 2023³
4. 22 June 2023⁴
5. 20 June 2023⁵
6. 14 June 2023⁶
- 25 7. 23 May 2023⁷
8. 9 May 2023⁸

¹ [Making Britain a Clean Energy Superpower](#)

² [Topical Questions / Energy Bill \[Lords\]](#)

³ [Topical Questions](#)

⁴ [Business of the House](#)

⁵ [Cost of Living: Energy Prices](#)

⁶ [Cost of Living and Brexit](#)

⁷ [Topical Questions](#)

⁸ [Energy Bill \[Lords\]](#)

9. 23 March 2023⁹
10. 17 January 2023¹⁰
11. 11 January 2023¹¹
12. 7 December 2022¹²

5 The relevant rules of the House

The overarching rules are found in the House of Commons Code of Conduct for Members.¹³

Rule 6 of the 2023 Code states:

- 10 *Members must always be open and frank in declaring 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. activities, and is in accordance with all relevant rules.*

Rule 14 of the 2019 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, public officials or public office holders.*

- 20 Chapter 2 of the Guide states:¹⁴

- 25 *5. Members are required, subject to the paragraphs below, to declare any financial interests which satisfy the test of relevance, including: a) past financial interests (normally limited to those active within the last twelve months); b) indirect financial interests, such as the financial interests of a spouse or partner, or another family member, if the Member is aware or could reasonably be expected to be aware of that interest. It is not necessary to identify the person concerned: a formula*

⁹ [Energy Trilemma](#)

¹⁰ [Energy Transition Projects: Scotland](#)

¹¹ [Engagements](#)

¹² [Marine Renewables: Government Support](#)

¹³ [Code of Conduct and Guide to the Rules \(parliament.uk\)](#) and [The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members - House of Commons - House of Commons \(parliament.uk\)](#)

¹⁴ Numbering of paragraphs is different in 2019 Code of Conduct

such as "A member of my family has a financial interest in []" will usually suffice. The definition of a family member is as under Category 9 of the Register;

...

- 5 6. *The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.*

Next steps

I would welcome your comments on the allegation. It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other
10 points you wish to make to help me with this inquiry would also be welcome. I would also be grateful for your answers to the following specific questions:

1. Please confirm whether your wife, [name redacted] has a shareholding with BP. If yes, please advise:
 - a) The amount of the shareholding.
 - 15 b) When this shareholding was acquired by [Mr Duguid's wife].
2. Please find attached a document containing the contributions you have made in the House in relation to energy in the past 12 months. Please confirm whether you feel you should have made a declaration about your wife's BP shareholding. If you do not feel a declaration was required at any time, please
20 explain why with reference to the guidance.

Important information

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
25 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.

30 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].

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

Procedure

5 Please see attached the Procedural Protocol in relation to the Code of Conduct, which was approved by the House on 18 October 2022. This sets out detailed information about the House's standards procedures, including the procedure I follow.

10 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.

15 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

20 Inquiries are generally concluded in one of three ways.

1. If the evidence does not substantiate the allegation, I will report that I consider there has been no breach of the Code. If the allegation is particularly serious or the investigation raises matters of wider interest or relevance, I may decide
25 nevertheless to submit a memorandum to the Committee on Standards, which the Committee will consider and then submit its own report to the House.

2. If the evidence demonstrates a breach of the rules, I may, in circumstances defined by Standing Order No. 150, report that I consider there has been a breach of the Code, and conclude the inquiry using the rectification procedure,
30 without making a referral to the Committee on Standards.

For inquiries that either result in a not upheld outcome or a rectification of the breach of the Rules, the investigation material, including our correspondence, will be published on the Parliament website, and the Committee will be notified.

3. If I consider there has been a breach of the Code, and
35

- it is either unsuitable for the rectification procedure; or

- you do not accept my opinion that there has been a breach of the Code; or
- you do not take (or do not agree to take) any remedial action required; or
- the investigation raises issues of wider importance

5 I must make a referral to the Committee on Standards. The Committee will then decide whether there has been a breach of the Code. My memorandum to the Committee will be published as an appendix to the Committee's own Report.

10 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. Please tell me if you provide sensitive material that you think I should redact. I will consider carefully any such request.

Action

15 I would be grateful to have your response to this letter as soon as possible and no later than **Monday 11 December 2023** please.

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.

20 Thank you for your cooperation with this matter.

27 November 2023

4. Email from Mr David Duguid MP to the Commissioner, 5 December 2023

Thank for providing me with the opportunity to respond to this inquiry.

25 Please find below my responses to the following questions from the Standards Commissioner:

1. Please confirm whether your wife, [name redacted] has a shareholding with BP. If yes, please advise:

a) The amount of the shareholding.

30 b) When this shareholding was acquired by [Mr Duguid's wife].

RESPONSE 1: I can confirm that my wife (redacted) does have a shareholding in BP, amounting to a) 11,311 shares which were b) acquired by her in 2012. Also, since they were acquired, my wife has neither bought nor sold any of those shares.

- 5 2. Please confirm whether you feel you should have made a declaration about your wife's BP shareholding. If you do not feel a declaration was required at any time, please explain why with reference to the guidance.

10 *RESPONSE 2: The first point I note is that of the contributions listed, I have only mentioned BP once, and that was in the context of being part of a general comment on large multi-national companies 'like BP and Shell' having certain advantages over smaller independent companies.*

15 *I have not felt that there was ever a requirement for me to make reference to my wife's shareholding in the contributions I have made in the House as such a reference would assume that such a declaration existed on my register of interests, which it does not because it doesn't reach the reportable threshold which according to guidance is, 'Greater than 15% of issued share capital (on preceding 5 April), or if 15% or less of issued share capital (on preceding 5 April), greater in value than £70,000.' Clearly this shareholding doesn't amount to 15% of share capital issued by BP and, although the share price has fluctuated, at no point has my wife's shareholding amounted to £70,000 or more since she acquired them.*

20 *I do not believe that my wife owning these shares has any material bearing on work I have done as a Member of Parliament. I also do not believe that anything I could have, let alone actually, said or did as a Member of Parliament could have had any bearing on the BP share price.*

25 *My focus as Member of Parliament for Banff and Buchan has always been on serving the people of my constituency, many of whom work in the oil and gas industry, as well as the many local businesses that supply the industry. This service extends to the wider North East of Scotland and of course the whole United Kingdom.*

30 *As I have said in the contributions which have been listed, I believe that the jobs, skills, technology and supply chains that exist in the oil and gas industry will be crucial to delivering the United Kingdom's net zero objectives, and that this is the predominant reason that I resist calls for the industry to be shut down prematurely. I can appreciate why this position may be counter to the opinions of some of my political opponents but I don't believe that this is good enough reason for them to attempt to discredit my argument by suggesting that my motives are somehow against the Members Code of*
35 *Conduct.*

I hope that the above is helpful and provides some context as to why I do not believe it is 'reasonable' for others to believe that my wife's shareholding should influence my words or actions as a Member.

I would of course be happy to meet with The Standards Commissioner personally to discuss this matter further and resolve any concerns that remain.

5 December 2023

5. Letter from the Commissioner to Mr David Duguid MP, 14 December 2023

5 Thank you for your email dated 5 December 2023, and for the information you provided.

10 In my letter to you of 27 November 2023, I said that I may seek the advice of the House authorities as part of my investigation. Today I have written to the Registrar and a copy of that letter is included for your information (minus the enclosures previously shared with you).

Once I have received the Registrar's reply, I will write to you again regarding the next steps. In the meantime, this matter remains protected by Parliamentary Privilege and should continue to be kept confidential.

14 December 2023

15 6. Letter from the Commissioner to the Registrar of Members' Financial interests, 14 December 2023

20 I would like to ask your advice on an inquiry I have recently started about Mr David Duguid MP. In essence, the inquiry is seeking to determine whether Mr Duguid has breached paragraph 6 of the Code of Conduct for Members in relation to declarations.

I enclose a copy of my initial letter to Mr Duguid, dated 27 November 2023, and Mr Duguid's response to me of 5 December 2023.

25 Mr Duguid has confirmed that his wife [name redacted], holds a shareholding in BP Plc amounting to 11,311 shares which were acquired in 2012. The approximate value of the shareholding today is in the region of £53,037.28.

My inquiry is focusing on the following contributions in the House:

Date	Hyperlink
9 November 2023	Making Britain a Clean Energy Superpower - Hansard - UK Parliament
14 June 2023	Cost of Living and Brexit - Hansard - UK Parliament
9 May 2023	Energy Bill [Lords] - Hansard - UK Parliament
23 March 2023	Energy Trilemma - Hansard - UK Parliament

Please advise whether in your view, Mr Duguid should have declared his wife's BP shareholding in any of the House proceedings listed above and please provide reasoning.

- 5 Please can you reply by **19 December 2023**.

14 December 2023

7. Letter from the Registrar of Members' Financial interests to the Commissioner, 18 December 2023

- 10 I am unable to fully answer the question because it would be inappropriate for the Registrar to come to a determination on a potential breach of the Code of Conduct. The authority for that rests with the Commissioner.

However, I hope that the following information will be useful in the investigation.

Safe Harbour

- 15 I have looked back through the Registry Office files and have no record of Mr Duguid seeking advice on Declaration relating to this matter. Therefore, the Safe Harbour provision set out in paragraph 16 of the Code of Conduct does not apply in this case.

Declaration of interests

- 20 Chapter 2 of the Guide to the Rules sets out the requirements for declaring interests. Paragraph 5 (b) of that Chapter requires Members to declare indirect financial interests "such as the financial interests of a spouse or partner, or another family member, if the Member is aware or could reasonably be expected to be aware of that interest"; should that interest meet the test of relevance.

That test of relevance is set out below:

- 25 *6. The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.*

- 30 Any decision on the test of relevance is one for the Member, not the Registrar. That said, had advice been sought, we would have highlighted both the rules on declaration and advised that the test of relevance be applied to both the subject of the debate and the contents on any contribution the Member planned to make. In principle, a general wide-ranging contribution to a thematic or sectoral debate would rarely meet the test of relevance. By contrast a debate with narrow terms that would specifically affect the financial interest of a family member, or a Member wishing to highlight the work of that financial interest would require a declaration.

5 The four debates highlighted in your letter cover energy policy and Mr Duguid mentions BP once (Debate on Energy Trilemma, Thursday 23 March 2023) to argue that the effects of a policy would impact on smaller companies more adversely than on large companies (BP and Shell). His other contributions cover energy policy more generally.

In his email to you (dated 3 December 2023), Mr Duguid states that he had considered the test of relevance:

10 *I hope that the above is helpful and provides some context as to why I do not believe it is 'reasonable' for others to believe that my wife's shareholding should influence my words or actions as a Member.*

It is for the investigation to determine whether Mr Duguid made the correct decision when he applied the test.

18 December 2023

8. Letter from the Commissioner to Mr David Duguid MP, 19 January 2024

15 Thank you for your email of 3 December 2023 received by my office on 4 December 2023. Having reviewed it, I now have sufficient information to make a decision and conclude my inquiry.

My decision

20 I have considered your correspondence, advice from the Registrar of Members' Financial Interests, Rule 6 of the Code of Conduct for Members of Parliament and Chapter 2 of the Guide to the Rules relating to the Conduct of Members (declaration of Members' interests).¹⁵

25 My final determination did not take into account your contributions to topical questions and other business on the following dates:

30 19 September 2023;
5 September 2023;
22 June 2023;
20 June 2023;
23 May 2023;
17 January 2023;
11 January 2023; or
7 December 2022.

¹⁵ [Code of Conduct and Guide to the Rules \(parliament.uk\)](https://www.parliament.uk/about/offices/investigation/code-of-conduct-and-guide-to-the-rules)

I have excluded these items from consideration as my view is that these contributions would be likely to have attracted the exemption from declaration set out in paragraph 7(a) of Chapter 2 (unduly impeding the business of the House).¹⁶

5 In my opinion you have breached Rule 6 of the Code. I explain below the basis on which I have reached this conclusion.

Relevant facts

You have confirmed that your wife [name redacted] holds a shareholding in BP p.l.c. amounting to 11,311 shares, which were acquired in 2012.

10 The approximate market value of the shareholding is in the region of £50,181.25.¹⁷

Relevant Code and Guide provisions

15 The detailed requirements concerning the declaration of interests are laid out in Chapter 2 of the Guide to the Rules relating to the Conduct of Members which directs that Members should declare “*any financial interests which satisfy the test of relevance*”. The test of relevance is defined as follows:

The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.

Analysis

20 Your representations

In your email to me of 3 December 2023 you say as follows:

25 *“The first point I note is that of the contributions listed, I have only mentioned BP once, and that was in the context of being part of a general comment on large multi-national companies ‘like BP and Shell’ having certain advantages over smaller independent companies.”*

My view is that naming the company in which the shares are held is not critical to the application of the test of relevance. What matters is the context in which the person listening to, or reading, a Member’s words might identify the company and,

¹⁶ [Code of Conduct and Guide to the Rules \(parliament.uk\)](#)

¹⁷ Taken from [Share price calculator | Investors | Home \(bp.com\)](#) on 18.1.24; although the share price fluctuates, it was not materially different for the purposes of my consideration during the period to which these events relate.

if aware of the Member's interest, reasonably think that the interest might influence the Member's words.

5 *"I have not felt that there was ever a requirement for me to make reference to my wife's shareholding in the contributions I have made in the House as such a reference would assume that such a declaration existed on my register of interests, which it does not because it doesn't reach the reportable threshold which according to guidance is, 'Greater than 15% of issued share capital (on preceding 5 April), or if 15% or less of issued share capital (on preceding 5 April), greater in value than £70,000.'* Clearly this shareholding doesn't amount to 15% of share capital issued by BP and, although the share price has fluctuated, at no point has my wife's shareholding amounted to £70,000 or more since she acquired them."

15 Your feeling is predicated on the false premise that the requirements for declaration apply only to registrable interests. Paragraph 2 of Chapter 2 expressly states "[declaration] covers a broader range of interests than registration", and paragraph 5(b) gives family members' financial interests as a specific example.

"I do not believe that my wife owning these shares has any material bearing on work I have done as a Member of Parliament."

20 I have no reason to doubt your assertion that your wife's shareholding in BP p.l.c has had no material bearing on your participation in parliamentary proceedings. However, that is not germane to the test of relevance set out in Chapter 2 of the Guide. The question is not whether the shareholding influenced your behaviour but whether it might reasonably be thought by others to influence your words or actions as a Member.

"I also do not believe that anything I could have, let alone actually, said or did as a Member of Parliament could have had any bearing on the BP share price."

30 I do not necessarily accept that public statements made by Members cannot affect share prices. Regardless, as I have explained above, that is not determinative of the test of relevance. The question on each occasion is whether it might reasonably be thought by others that the interest influenced your actions.

35 *"My focus as Member of Parliament for Banff and Buchan has always been on serving the people of my constituency, many of whom work in the oil and gas industry, as well as the many local businesses that supply the industry. This service extends to the wider Northeast of Scotland and of course the whole United Kingdom."*

Whilst I have no reason to doubt your assertion that you focus on serving your constituents, or your assertion that they are heavily involved in the energy industry,

it is irrelevant to the application of Chapter 2 of the Guide. The fact that a matter is of importance to your constituents does not excuse you from complying with your obligation to declare relevant interests in relation to a matter.

5 *“As I have said in the contributions which have been listed, I believe that the jobs, skills, technology and supply chains that exist in the oil and gas industry will be crucial to delivering the United Kingdom’s net zero objectives, and that this is the predominant reason that I resist calls for the industry to be shut down prematurely.”*

10 I have no reason to doubt what you say about the energy industry, however it is irrelevant to the application of Chapter 2 of the Guide.

15 *“I can appreciate why this position may be counter to the opinions of some of my political opponents but I don’t believe that this is good enough reason for them to attempt to discredit my argument by suggesting that my motives are somehow against the Members Code of Conduct.”*

20 It is not for me to speculate as to the motives of a person who makes a complaint that the Code of Conduct has been breached by a Member; nor are your own motives in question for the purposes of my investigation. My task is simply to consider your actions and determine whether they complied with any relevant requirements of the Code.

Registrar’s advice

25 I have consulted the Registrar of Members’ Financial Interests as to whether he gave any advice in relation to the declaration of your wife’s BP shareholding in any of the following House proceedings, and as to what his advice would have been if sought:

Date	Hyperlink
9 November 2023	Making Britain a Clean Energy Superpower - Hansard - UK Parliament
14 June 2023	Cost of Living and Brexit - Hansard - UK Parliament
9 May 2023	Energy Bill [Lords] - Hansard - UK Parliament
23 March 2023	Energy Trilemma - Hansard - UK Parliament

I have attached a copy of the Registrar’s advice.

30 The Registrar stated that *‘...had advice been sought, we would have highlighted both the rules on declaration and advised that the test of relevance be applied to both the subject of the debate and the contents on any contribution the Member planned to make. In principle, a general wide-ranging contribution to a thematic or sectoral*

debate would rarely meet the test of relevance. By contrast a debate with narrow terms that would specifically affect the financial interest of a family member, or a Member wishing to highlight the work of that financial interest would require a declaration.'

5 The Registrar emphasised that any decision on the test of relevance is one for the Member and that it is for the investigation to determine whether you made the correct decision when you applied the test.

Potential relevance of shareholding

10 Having regard to the approximate valuation of your wife's shareholding, I have considered each of your parliamentary contributions on 9 November 2023, 14 June 2023, 9 May 2023 and 23 March 2023 and asked whether, in each address, the test of relevance was met and a declaration required by Rule 6.

9 November 2023

15 On 9 November 2023 you spoke in a debate entitled "*Making Britain a Clean Energy Superpower*". In the course of your contribution, you positively promoted the Offshore Petroleum Licencing Bill. The Offshore Petroleum Licensing Bill will require the North Sea Transition Authority (NSTA) to run annual oil and gas
20 licensing rounds in the UK and will include decisions on which geographical blocks of the sea become available for oil and gas search production.¹⁸ Currently, there is no requirement that licensing rounds should be run on a regular basis.¹⁹ As BP were awarded seven licences in the 30th Offshore Licencing Round in 2018,²⁰ an observer might reasonably have thought that your wife's interest in BP influenced your positive promotion of this Bill. In my view, a declaration was required.

25

14 June 2023

30 On 14 June 2023 you spoke in a debate entitled "*The Cost of Living and Brexit*", in which you referenced the energy sector. Your reference, which was more a general contribution in relation to energy, queried whether it was appropriate for Scottish Government Ministers to have direct discussions with federal German Ministers about energy policy and international trade, given they were both reserved
35 functions. I do not believe that an observer might reasonably have thought that your wife's shareholding influenced your speech. In my view, therefore, there was no breach of Rule 6 in relation to that speech.

9 May 2023

¹⁸

https://www.wcl.org.uk/docs/assets/uploads/Parliamentary_Briefing_2nd_Reading_Offshore_Licensing_Bill_marine_protection.pdf

¹⁹ [Offshore Petroleum Licensing \(parliament.uk\)](https://www.parliament.uk/offshore-petroleum-licensing) – paragraph 4

²⁰ [bp success in 30th Offshore Licensing Round | News | Home](https://www.bp.com/presscentre/press-releases/2018/bp-success-in-30th-offshore-licensing-round)

On 9 May 2023 you spoke in the Second Reading debate on the Energy Bill. In the course of your speech, you focused on "*the 'inconvenient truth' ... that we are not going to get to 2050, keeping the lights on, homes warm and the economy moving, without oil and gas, albeit at greatly reduced demand*". You made comments about the tax revenue from the oil and gas industry, the importance of accessing domestic energy supplies to meet continuing demand, and the importance of the partnership between the energy industry and government, noting that "*Oil and gas companies, and their employees, skills, technology and expertise, stand ready to help the Government and this country not only to deliver our energy security needs, but to invest and drive the energy transition that, as should have been said, is at the centre of the North sea transition deal that was signed between the Government and the oil and gas sector in 2021.*" You proactively pushed for the energy industry to be engaged through the passage of the Bill. I accept that you did not mention BP by name, but it is common knowledge that BP is one of the primary players in the energy industry. I also believe that changes to the industry could have a financial impact on BP, whether positive or negative, which will also likely affect shareholders. It would therefore be advantageous for BP to be engaged in any relevant industry legislation.

You also spoke substantially about the energy profits levy and stated "*Before the energy profits levy was introduced, the oil and gas industry was already paying 40% tax, compared with most businesses paying 19%, which rose to 25% last month. With the EPL, the oil and gas industry is now paying 75% tax on oil and gas profits—not on global profits, but profits made in this country. According to the Office for Budget Responsibility, it will pay around £15 billion in financial year 2022-23. That represents a fifth of the UK's corporation tax receipts, from exploration and production alone.*" You followed this by proposing that "*In the immediate term, we need to introduce a clear mechanism, or announce what such a mechanism will be, by which a trigger or a floor price ensures that the 75% tax rate is applied only to company profits that are earned from the excessively high market price environment.*" It is my view that such a proposal, if implemented, could reasonably be expected to have an impact on the value of BP shareholdings.

Taking these specific remarks in the context of your speech overall, I am satisfied that an observer might reasonably have thought that your wife's shareholding influenced your speech. In accordance with Rule 6 you were required to declare an interest, and you breached the Rule by failing to make one.

23 March 2023

On 23 March 2023 you spoke in a debate entitled "*Energy Trilemma*". Of significance is the following statement "*I want to finish on the subject of the energy profits levy. Opposition parties have called for and continue to call for ever higher taxes on oil and gas producers. Compared with almost every other business that currently pays corporation tax of 19%—due to rise next month to 25%—oil and gas companies were already paying 40%, with the EPL bringing them to 75% overall. Contrary to Opposition parties' calls for a straightforward punitive tax, I welcome the investment*

allowance provided by this Government. However, the allowance is not available for all investment opportunities, including in renewables, as has been pointed out. I am told by OEUK that over 90% of members have downgraded their investment plans in the UK as a result of the EPL. I recognise that the revenues raised by this tax go some way towards paying some of the energy support provided by this Government, but I look forward to engaging with the industry and Government on how and when the profits made by these companies in this country are deemed to have returned to a more normal level." My view is that this contribution is specific enough that an observer might reasonably have thought that your wife's shareholdings influenced your words. This is because you are advocating for tax advantages for energy suppliers. Again, I believe that a declaration should have been made.

Principles of Public Life

Section B of the Code of Conduct requires me to take the Seven Principles of Public Life into account when investigating an alleged breach of the rules.

In considering the allegations and forming the opinions set out above, I have had regard to those principles and, in particular, to the principle of openness: that "*Holders of public office should act and take decisions in an open and transparent manner*".

20 Rectification

Overall, having regard to your email responses to my questions, I am satisfied (on the balance of probabilities) that the failures to declare the interest were inadvertent, arising from a lack of understanding about how Chapter 2 of the Guide is intended to operate. That being the case, and despite the fact that it is Members' duty to educate themselves in the rules, I have decided that the most appropriate form of resolution of this complaint is through the rectification power given to me by Standing Order No. 150(4)(a).

30 Next Steps

Standing Order No. 150 makes provision for me to conclude an inquiry using the rectification process, rather than by making a referral to the Committee on Standards. 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.

In order to progress this through rectification, I will require the following from you:

- a) confirmation that you accept my opinion;
- b) acknowledgment that you have breached the rule on declaration;
- c) an apology for the breaches; and
- 40 d) an undertaking to attend upon the Registrar or a member of his staff for training in the operation of Chapter 2 of the Guide.

If you are content for me to conclude the inquiry in this way, please write to me with the above information by **4pm on 25 January 2024**.

5 If you agree to my proposal, I will share my written evidence pack with you, so that you can check its factual accuracy before publication. I will also report the outcome to the Committee on Standards in due course as a matter of routine.

10 Please note that if you do not accept my opinion and decision, you should tell me the reasons for that by reply. After which, in according with the process set out in the Procedural Protocol in respect of the Code of Conduct I will prepare a Memorandum to the Committee on Standards, so that they may consider the matter. I would give you the opportunity to see and comment on a draft of the Memorandum, but the content of it would, in the final analysis, be for me alone.

In the meantime, our correspondence remains protected by parliamentary privilege and I ask you to maintain the strict confidentiality of the inquiry in accordance with paragraph 13 of the Code and Chapter 7 of the Procedural Protocol.

15 *19 January 2024*

9. Email Mr David Duguid MP to the Commissioner, 25 January 2024

Thank you for your letter on 19 January, notifying me of your decision and judgement on the conclusion of your inquiry.

I write in response to your requirements for rectification in that letter, namely:

20 (a) I confirm acceptance of your opinion that, within the contributions referenced in your letter, an observer might reasonably have thought that my wife's shareholding could have influenced my contributions. I maintain that my wife's shareholding has never had any bearing on my contributions, and so I acknowledge your satisfaction that failure to declare was indeed inadvertent.

25 (b) I therefore acknowledge, on that basis, that I have breached that rule on declaration, for which...

(c)... I apologise.

(d) I undertake to attend upon you or a member of your staff for training in the operation of Chapter 2 of the Guide.

30 I look forward to receiving further details on the training, as well as receipt of your written evidence pack prior to publication.

25 January 2024