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# Reviewing the Code of Conduct for MPs

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## Summary

The [Committee on Standards](#) was appointed on 13 December 2012 by the House of Commons following its separation from the former Committee on Standards and Privileges to consider any matter relating to the conduct of Members.

The [Code of Conduct](#) for MPs sets out the rules of conduct expected of Members of Parliament as they carry out their work.

The Code of Conduct is inspired and informed by the Seven Principles of Public Life, set by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership). The Code of Conduct sets rules on handling conflicts of interest, registering and declaring interests and prohibits MPs from accepting any bribe to influence their conduct as MPs.

The Guide to the Rules relating to the Conduct of Members sets out “in more detail what is required of Members in order to abide by the Code”.

MPs also have to observe the principles (of respect, professionalism, understanding others’ perspectives, courtesy and acceptance of responsibility) set out in the parliamentary [Behaviour Code](#) [PDF].

A review of the Code of Conduct began in September 2022. It concluded with the House agreeing new edition of [The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members](#) [PDF], on 12 December 2022. The new Code and Guide to the Rules are effective from 1 March 2023.

On 18 October 2022, the House of Commons agreed a [Procedural Protocol in respect of the Code of Conduct](#) [PDF]. It has been revised by the Committee of Standards to reflect changes to the Code of Conduct and was republished on 24 February 2023. It set out the process for dealing with cases concerning MPs’ adherence to the Code of Conduct. It had been recommended by the Committee on Standards in its review of the Code of Conduct.

In 2002, the Committee on Standards in Public Life (CSPL) recommended that, in each Parliament, [the Parliamentary Commissioner for Standards \(PCS\) should initiate a review of the code of conduct](#) [PDF] and guide to the rules.

That was [endorsed by the Select Committee on Standards and Privileges](#) [PDF] and [supported in a debate](#) in the House on 26 June 2003.

# The review of the Code of Conduct

## Initial proposals

On 22 September 2020, the Committee on Standards announced it would “carry out [a comprehensive and far-reaching inquiry](#) into the operation of the Code of Conduct for Members of Parliament”.

While the Committee on Standards was undertaking its inquiry, the PCS began her own review of the Code of Conduct.

The Committee on Standards brought forward initial proposals for consultation in November 2021. Its report, [Review of the Code of Conduct: proposals for consultation](#) [PDF], brought the two strands together. It included the Commissioner’s review and commented on it in developing its proposals for consultation.

In its report, the Committee said it intended to ask a senior judicial figure to review the fairness of the current system.

On 9 December 2021, the Committee [confirmed](#) it had appointed former Lord Justice of Appeal and Senior President of Tribunals, Rt Hon Sir Ernest Ryder.

The Committee’s November 2021 report was [debated in February 2022](#), and the Committee [took further evidence](#) early in 2022.

## Review of fairness of the system

Sir Ernest’s review was published in March 2022:

- [Review of fairness and natural justice in the House’s standards system](#) [PDF], 4 March 2022, HC 1183 2021-22

## Development of the proposals

Following consultation on its initial report, the Committee published:

- [New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament](#) [PDF], 24 May 2022, HC 227 2022-23

In this report, the Committee announced that it would set out information about the House’s standards procedures in a single document.

The Committee received further feedback on that report and fulfilled its commitment to set out in one place how the standards process should work, so in July 2022, it published two further reports:

- [Code of Conduct: Procedural Protocol](#) [PDF], 4 July 2022, HC 378 2022-23

- [New Guide to the Rules: final proposals](#) [PDF], 4 July 2022, HC 544 2022-23

Most recently, on 27 September, the Committee published the Government's response to the three reports from 2022-23:

- [Government Response to the Committee's First, Second and Third Reports of Session 2022-23](#) [PDF], 27 September 2022, HC 709 2022-23

## Debate on appeals and the Procedural Protocol, October 2022

On 13 October 2022, the Leader of the House [announced that, on 18 October 2022, a debate would be held](#) on a motion relating to the Committee on Standards reports into the code of conduct and its recommendation relating to appeals and a procedural protocol in the House's conduct system.

The [Government's motion](#) [PDF] was published in the Future Business section of the Order Paper. It provided for the adoption of the appeals process and the Procedural Protocol but did not provide for the revised Code of Conduct and Guide to the Rules relating to the Conduct of Members to be adopted. The motion proposed amendments to the Committee's proposed procedural protocol to reflect this.

[The motion was agreed on 18 October 2022](#). The new protocol, setting out the process for dealing with cases concerning MPs' adherence to the Code of Conduct, was approved and subsequently published:

- House of Commons, [Procedural Protocol in respect of the Code of Conduct](#) [PDF], 10 November 2022, HC 875 2022-23

## Debate on a New Code of Conduct and Guide to the Rules, December 2022

On 1 December 2022, the Leader of the House [announced that there would be a debate, on 12 December](#), on "a motion relating to the First and Third Reports of the Committee on Standards on a New Code of Conduct and Guide to the Rules".

The reports referred to are:

- [First Report] [New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament](#) [PDF], 24 May 2022, HC 227 2022-23

- [Third Report] [New Guide to the Rules: final proposals](#) [PDF], 4 July 2022, HC 544 2022-23

As noted above, on 12 December 2022, the House [agreed a revised Code of Conduct and Guide to the Rules at the conclusion of the debate](#). The motion that the House agreed made some changes to the two sets of recommendations from the Committee on Standards.

First, the Committee proposed bespoke descriptors for the Seven Principles of Public Life which would apply specifically to MPs. The House replaced the bespoke descriptors with [the CSPL's descriptors](#).

Second, the Committee proposed that Ministers should register benefits and donations received as a Minister in the same way as all MPs. The House agreed that separate arrangements under the Ministerial Code should continue to apply. In the debate, the Leader of the House confirmed that the Government was reviewing how it could "[improve the timeliness, quality and transparency of Ministers' data and ease of access to it](#)".



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# 1 Background

## 1.1 Code of Conduct and Guide to the Rules

The Code of Conduct for MPs sets out the rules of conduct expected of Members of Parliament as they carry out their work.

The Code of Conduct is inspired and informed by the Seven Principles of Public Life, set by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership). The Code of Conduct sets rules on handling conflicts of interest, registering and declaring interests and prohibits MPs from accepting any bribe to influence their conduct as MPs.

MPs also have to observe the principles (of respect, professionalism, understanding others' perspectives, courtesy and acceptance of responsibility) set out in the parliamentary [Behaviour Code](#) [PDF].<sup>1</sup>

The Guide to the Rules relating to the conduct of MPs sets out in detail MPs' obligations to register and declare their financial interests, and the restrictions on lobbying for reward or consideration

The [Procedural Protocol in respect of the Code of Conduct](#) [PDF] describes the procedure for the investigation of complaints.<sup>2</sup>

The revised Code and Guide, which are effective from 1 March 2023, are published in a single document:

- [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#) [PDF], 10 February 2023, HC 1083 2022-23.

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<sup>1</sup> The parliamentary Behaviour Code was endorsed alongside the Independent Complaints and Grievance Scheme in July 2018. Both were developed in response to complaints about bullying and harassment in Parliament. For more information, see the Library Briefing, [Independent Complaints and Grievance Scheme](#)

<sup>2</sup> House of Commons, [Procedural Protocol in respect of the Code of Conduct](#) [PDF], 24 February 2023, HC 1084 2022-23

## 1.2

# Committees etc involved in the House of Commons standards system

The **Committee on Standards** was appointed on 13 December 2012 by the House of Commons following its separation from the former Committee on Standards and Privileges to consider any matter relating to the conduct of Members.<sup>3</sup>

The **Parliamentary Commissioner for Standards** is an independent officer of the House of Commons. Their job is to oversee the Register of Members' Financial Interests and the Code of Conduct for MPs. The Commissioner also advises the Committee on Standards about issues relating to the Code of Conduct.<sup>4</sup>

The **Independent Expert Panel** determines appeals and sanctions in cases where complaints have been brought against MPs of bullying, harassment or sexual misconduct under the [Independent Complaints and Grievance Scheme \(ICGS\)](#).<sup>5</sup> It also hears appeals against decisions by the Committee on Standards that MPs have breached the Code of Conduct and/or an inappropriate sanction has been imposed.<sup>6</sup>

The **Independent Complaints and Grievance Scheme** is Parliament's independent mechanism for handling complaints of bullying, harassment or sexual misconduct. The ICGS provides advice and support to all members of the parliamentary community, whether an individual chooses to make a formal complaint or not.<sup>7</sup>

The independent **Committee on Standards in Public Life** advises the Prime Minister on arrangements for upholding ethical standards of conduct across public life in England. It is not a regulator and cannot investigate individual complaints. It is an advisory non-departmental public body, sponsored by the Cabinet Office.<sup>8</sup>

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<sup>3</sup> Committee on Standards, [Role](#)

<sup>4</sup> As above. There is more information on the [Commissioner's website](#).

<sup>5</sup> UK Parliament, [Independent Expert Panel](#)

<sup>6</sup> Following the House's agreement to the Procedural Protocol on 18 November 2022, the IEP heard its first appeal against a finding of the Committee on Standards in November 2022, see: Independent Expert Panel, [Appeal by Andrew Bridgen MP](#) [PDF], 20 December 2022, HC 991 2022-23

<sup>7</sup> UK Parliament, [The Independent Complaints and Grievance Scheme \(ICGS\)](#)

<sup>8</sup> Gov.uk, [Committee on Standards in Public Life](#)

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## 2 The 2020 review of the Code of Conduct

### 2.1 Proposals for consultation

On 22 September 2020, the Committee on Standards announced it would “carry out a comprehensive and far-reaching inquiry into the operation of the Code of Conduct for Members of Parliament”.<sup>9</sup>

The Committee received written and oral evidence during its inquiry.

While the inquiry was underway, the PCS began her own review of the Code of Conduct. In her Annual Report 2020-21, she said that her review would “complement the work that has been conducted by the Committee on Standards in their corresponding review”. She gave the following overview of her review:

My review will also aim to identify any possible gaps that may exist about the rules on lobbying; the rules on employment; and on the acceptance of benefits. I will consider how the guidance available to Members might be enhanced in order to avoid inadvertent errors and breaches of the rules. My review will also seek to identify elements of the Code of Conduct regularly misunderstood by MPs and the public, proposing changes to make the Code more accessible and easier to understand for all.<sup>10</sup>

The Committee on Standards’ report, [Review of the Code of Conduct: proposals for consultation](#) [PDF], was published on 29 November 2021.<sup>11</sup>

The Committee’s report included the Commissioner’s review and commented on it when making proposals for consultation.

Shortly before the Committee planned to publish its consultation, it recommended that Owen Paterson should be suspended from the House after he had been found to have breached the paid advocacy rule.<sup>12</sup> This recommendation led to concern from supporters of Mr Paterson about the fairness of the House’s standards process. There were also criticisms that the House had not implemented recommendations of the 2018 CSPL report, [MPs’ outside interests](#).

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<sup>9</sup> Committee on Standards news, [Standards Committee launches inquiry into Code of Conduct for MPs](#), 22 September 2020

<sup>10</sup> Parliamentary Commissioner for Standards, [Annual Report 2020-21](#) [PDF], 30 June 2021, HC 309 2021-22, pp6-7

<sup>11</sup> Committee on Standards, [Review of the Code of Conduct: proposals for consultation](#) [PDF], 29 November 2021, HC 270 2021-22

<sup>12</sup> Committee on Standards, [Mr Owen Paterson](#) [PDF], 26 October 2021, HC 797 2021-22

These matters were debated during an Opposition Day debate on 17 November 2021. The House debated recommendations from the CSPL's 2018 report (see its recommendations, in Appendix 2). The House acknowledged "recent concern over the outside interests of Members of Parliament" and asked the Committee on Standards to consider specific recommendations from the CSPL on ensuring that outside interests did not prevent MPs from "fully carrying out their range of duties" and that MPs should not be allowed to take on any paid work to provide services as a parliamentary strategist, adviser or consultant.<sup>13</sup>

## The proposals

The Committee's report was followed by a select committee statement in the Chamber on 2 December 2021.<sup>14</sup> Chris Bryant, Chair of the Committee on Standards, said that recommendations fell into two main groups:

The first was "suggested changes to the substance of the rules", including:

- an outright ban on an MP acting as a paid parliamentary adviser;
- a new requirement that an MP must have a written contract for any outside work that makes it explicit that their duties cannot include lobbying ministers;
- clarifying the criteria for the "serious wrong" exemption in the lobbying rules;
- extending the restrictions on lobbying that after any payment is received to 12 months (currently, MPs must not lobby or advocate in connection with any payment they have received in the six-month period after receiving it)
- introducing a "safe-harbour" provision that means MPs who take advice and follow it cannot be found to have breached rules;
- requiring ministers to register gifts and hospitality in the Register of Members' Financial Interests (they currently only have to register ministerial interests in Government transparency publications);
- prohibiting MPs from subjecting anyone to unreasonable and excessive personal attack in any medium.

The second group covered questions about the process for enforcing and adjudicating on the rules, including appeals.

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<sup>13</sup> [HC Deb 17 November 2021 cc624-692](#). These issues were considered in three earlier debates, following the Committee of Standards' report on Owen Paterson: [HC Deb 3 November 2021 cc938-973](#); [HC Deb 8 November 2021 cc33-82](#); [HC Deb 16 November 2021 cc476-492](#)

<sup>14</sup> [HC Deb 2 December 2021 cc1073-1081](#)

Chris Bryant highlighted the Committee’s intention to engage “a senior judicial figure” to advise it on how standards could be clearer, how best practice was followed regarding due process and MPs and complainants were guaranteed fair hearings.<sup>15</sup>

On 9 December 2021, the Committee confirmed it had appointed former Lord Justice of Appeal and Senior President of Tribunals, Rt Hon Sir Ernest Ryder.<sup>16</sup>

The Committee’s November 2021 report was debated in February 2022,<sup>17</sup> and the Committee [took further evidence](#) early in 2022.<sup>18</sup>

## 2.2

## Review of fairness of the system

Sir Ernest Ryder was appointed to “review whether the House’s current system of investigating and deciding upon breaches of the Code of Conduct for Members of Parliament is compatible with fairness and natural justice, and with Article 6 of the European Convention on Human Rights (relating to the ‘right to a fair trial’)”.<sup>19</sup>

Sir Ernest’s review was published in March 2022:

- [Review of fairness and natural justice in the House’s standards system](#) [PDF], 4 March 2022, HC 1183 2021-22

The Committee summarised Sir Ernest’s review in its subsequent report. Sir Ernest said that MPs should continue to be involved in the standards process and he considered the inquisitorial procedure for standards inquiries was fair and compliant with Article 6 of the European Convention on Human Rights (the right to a fair trial).

He recommended some changes to the way in which the Parliamentary Commissioner for Standards worked. The Commissioner should investigate and not be a first decision-maker. They should present opinions to the Committee which would be the first decision-taker.

He recommended there should be a right of appeal, from the Committee on Standards to an independent body – he suggested the Independent Expert Panel.

He proposed that the House should be asked to approve a “Code of Procedure” [now the Code of Conduct: Procedural Protocol]. It should bring

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<sup>15</sup> [HC Deb 2 December 2021 c1074](#)

<sup>16</sup> Committee on Standards news, [Committee to appoint Sir Ernest Ryder to review Commons standards system](#), 9 December 2021

<sup>17</sup> [HC Deb 3 February 2022 cc541-566](#)

<sup>18</sup> Committee on Standards, [Code of Conduct Consultation](#) [Inquiry]

<sup>19</sup> Committee on Standards news, [Committee to appoint Sir Ernest Ryder to review Commons standards system](#), 9 December 2021

together, in a single document, details of the process for dealing with cases concerning MPs' adherence to the Code of Conduct.<sup>20</sup>

## 2.3 Development of the proposals

Following consultation on its initial report, the Committee published:

- [New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament](#) [PDF], 24 May 2022, HC 227 2022-23

In this report, the Committee refined its original proposals in response to the consultation exercise. The report included a revised text for the Code of Conduct and a revised text for the Guide to the Rules relating to the Conduct of Members. The Committee also said it would set out information about the House's standards procedures in a single document, the Procedural Protocol.

The Committee received further feedback on that report and fulfilled its commitment on the Procedural Protocol, so in July 2022, it published two further reports:

- [Code of Conduct: Procedural Protocol](#) [PDF], 4 July 2022, HC 378 2022-23
- [New Guide to the Rules: final proposals](#) [PDF], 4 July 2022, HC 544 2022-23

The second of these reports included the "Proposed new Guide to the Rules", which reflected changes from its May 2022 recommendations and the drafting of the Procedural Protocol. The current Guide to the Rules includes a chapter entitled "Procedure for inquiries", which the Protocol would replace.

On 27 September, the Committee published the Government's response to the three reports from 2022-23:

- [Government Response to the Committee's First, Second and Third Reports of Session 2022-23](#) [PDF], 27 September 2022, HC 709 2022-23

The Committee noted that it received the Government response to the three reports on 21 July 2022.

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<sup>20</sup> Committee on Standards, [New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament](#) [PDF], 24 May 2022, HC 227 2022-23, para 123

## 2.4

## Debate on appeals and the Procedural Protocol, October 2022

On 13 October 2022, the Leader of the House announced that, on 18 October 2022, a debate would be held on a motion relating to the Committee on Standards reports into the code of conduct and its recommendation relating to appeals and a procedural protocol in the House's conduct system.<sup>21</sup>

The Government's motion was published in the Future Business section of the Order Paper. It provided for the adoption of the appeals process and the Procedural Protocol but did not provide for the revised Code of Conduct and Guide to the Rules relating to the Conduct of Members to be adopted. The motion proposed amendments to the Committee's proposed procedural protocol. The amendments took out references to the proposed revised Code of Conduct and ensured references were made to the existing Code of Conduct.<sup>22</sup>

The Government motion also proposed amending one paragraph (Paragraph 20) of the existing Code to reflect the decision to adopt only parts of the Committee on Standards' proposals.

As the motion proposed the adoption of the Procedural Protocol, it also provided for Chapter 4, "Procedure for inquiries" of the then existing version of the Guide to the Rules relating to the Conduct of Members to no longer have effect.

The motion also set out Standing Order changes necessary to give effect to these proposals and to remove the provisions relating to the Investigatory Panels from Standing Order No 150.

On 18 October 2022, the motion was agreed. The new protocol, setting out the process for dealing with cases concerning MPs' adherence to the Code of Conduct, was approved and subsequently published:

- House of Commons, [Procedural Protocol in respect of the Code of Conduct](#) [PDF], 10 November 2022, HC 875 2022-23

### Operation of the Procedural Protocol

The House agreed that the new procedural protocol should come into force "with immediate effect".<sup>23</sup>

On 3 November 2022, the Committee on Standards published a report on Andrew Bridgen. It found that he had breached the Code of Conduct by engaging in paid advocacy and failing to declare relevant interests in

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<sup>21</sup> [HC Deb 13 October 2022 c258](#)

<sup>22</sup> House of Commons, Order Paper 17 October 2022, [Future Business for Tuesday 18 October](#)

<sup>23</sup> [HC Deb 18 October 2022 cc634-653](#)

correspondence with ministers. It also found that Mr Bridgen had attacked the integrity of the Parliamentary Commissioner for Standards. It recommended that Mr Bridgen be suspended for two days for the breaches of the Code and a further three days for his attack upon the integrity of the Commissioner.<sup>24</sup>

Under the new Procedural Protocol MPs “may appeal to the Independent Expert Panel (the Panel) against a decision by the Committee on Standards (the Committee) that they have breached the Code of Conduct and/or on the appropriate sanction to be imposed for that breach”.<sup>25</sup> Appeals have to be submitted by 4.00 pm on the tenth working day following the day on which the Committee’s report was published. The Chair of the Panel may extend the deadline if there are extenuating circumstances.<sup>26</sup>

On 24 November 2022, the Chair of the Panel, Stephen Irwin, wrote to the Speaker to confirm that he had exercised his discretion over the timing of an appeal and that Mr Bridgen had submitted an appeal.<sup>27</sup>

## 2.5

### Debate on a New Code of Conduct and Guide to the Rules, December 2022

On 1 December 2022, the Leader of the House announced that there would be a debate on “a motion relating to the First and Third Reports of the Committee on Standards on a New Code of Conduct and Guide to the Rules”.<sup>28</sup>

The reports referred to are:

- [First Report] [New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament](#) [PDF], 24 May 2022, HC 227 2022-23
- [Third Report] [New Guide to the Rules: final proposals](#) [PDF], 4 July 2022, HC 544 2022-23

Speaking at Business Questions, the Leader of the House said the Government would support the “bulk” of the Committee’s recommendations and it would publish the motion for the debate “very swiftly”.<sup>29</sup>

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<sup>24</sup> Committee on Standards, [Andrew Bridgen](#) [PDF], 3 November 2022, HC 855 2022-23, paras 53, 98, 108 and 112

<sup>25</sup> House of Commons, [Procedural Protocol in respect of the Code of Conduct](#) [PDF], 10 November 2022, HC 875 2022-23, para 86

<sup>26</sup> As above, para 87

<sup>27</sup> Independent Expert Panel, [Letter from the Chair of the Panel to the Speaker relating to an appeal by Andrew Bridgen MP](#) [PDF], 24 November 2022

<sup>28</sup> [HC Deb 1 December 2022 c1017](#)

<sup>29</sup> [HC Deb 1 December 2022 c1019](#)



Speaking in his “own capacity” and not as Chair of the Committee on Standards, Chris Bryant initiated a debate on the Ministerial Code in Westminster Hall on 29 November 2022. In that debate, he called on the Government to support Committee proposals that meant Government ministers would be required to report interests and hospitality in the same way as all other MPs.<sup>30</sup>

The Government’s response to the Committee was submitted by the Johnson Government. It did not support the Committee’s recommendations that MPs who were ministers should register benefits whether or not they were received in their capacity as a minister.<sup>31</sup>

## The debate

As noted above, on 12 December 2022, the House agreed a revised Code of Conduct and Guide to the Rules at the conclusion of the debate.<sup>32</sup> The motion that the House agreed made some changes to the two sets of recommendations from the Committee on Standards.

First, the Committee proposed bespoke descriptors for the Seven Principles of Public Life which would apply specifically to MPs. The House replaced the bespoke descriptors with [the CSPL’s descriptors](#).

Second, the Committee proposed that Ministers should register benefits and donations received as a Minister in the same way as all MPs. The House agreed that separate arrangements under the Ministerial Code should continue to apply. In the debate, the Leader of the House confirmed that the Government was reviewing how it could “improve the timeliness, quality and transparency of Ministers’ data and ease of access to it”.<sup>33</sup>

## 2.6

## Work before the current review

### 2015 Parliament

In the 2015 Parliament, the Committee on Standards launched, but did not complete, an inquiry into the Code of Conduct and Guide to the Rules. The Committee’s inquiry ran alongside a review by the previous PCS (Kathryn Hudson). The evidence that the Committee took was published on its website.<sup>34</sup>

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<sup>30</sup> [HC Deb 29 November 2022 cc280WH-281WH](#)

<sup>31</sup> Committee on Standards, [Government Response to the Committee’s First, Second and Third Reports](#) [PDF], 27 September 2022, HC 709 2022-23, p6

<sup>32</sup> [HC Deb 12 December 2022 cc820-858](#)

<sup>33</sup> [HC Deb 12 December 2022 c823](#)

<sup>34</sup> Committee on Standards, [Code of Conduct and Guide to the Rules inquiry](#) [webpage, 2015 Parliament]

The previous PCS announced that there were likely to be several stages to her review:

- A first consultation on the fundamental purpose of the code and who it was directed at;
- A second consultation on detailed changes to the Guide to the Rules; and
- Making recommendations to the Committee on Standards which will consult on changes before reporting to the Commons for its decision on a refreshed and updated code and rules.<sup>35</sup>

## 2017 Parliament

In the 2017 Parliament, the Committee on Standards did some background work to prepare for a review, but did not launch an inquiry. The Committee's Formal Minutes record that on 29 January 2019, it approved in principle the creation of an informal sub-committee to review the Code of Conduct and Guide to the Rules.<sup>36</sup>

On 19 March 2019, it agreed the informal sub-committee's terms of reference:

To review the Code of Conduct and Guide to the Rules, taking into account:

- (a) the proposals put forward in 2017 by the previous Commissioner
- (b) the need to incorporate changes resulting from the Independent Complaints and Grievance Scheme and the implementation of the Cox report as these emerge
- (c) other codes of behaviour that apply to Members and the potential to either consolidate these or to illuminate the relationship between them
- (d) The report of the Committee on Standards in Public Life, MPs Outside Interests, July 2018
- (e) Good practice models from other parliaments or relevant bodies.<sup>37</sup>

It also agreed that the informal sub-committee should be chaired by a lay member of the Committee.<sup>38</sup>

At the end of the 2017-19 Session, the Chair wrote to the PCS about the informal sub-committee's work and a draft revised text of the Code of Conduct.<sup>39</sup> The conclusions of the informal sub-committee were placed before

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<sup>35</sup> As above. See also, Parliamentary Commissioner for Standards, [Code of Conduct Review](#) and Committee on Standards news, [Commissioner publishes responses to Code of Conduct review](#), 25 January 2017

<sup>36</sup> Committee on Standards, [Formal Minutes 2017-19](#) [PDF], p25

<sup>37</sup> As above, p29

<sup>38</sup> As above, p37

<sup>39</sup> Parliamentary Commissioner for Standards, [Annual Report 2019-20](#) [PDF], 15 July 2020, HC 616 2019-21, para 9

the Committee in the present Parliament and were taken into account when it drew up its current proposals.<sup>40</sup>

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<sup>40</sup> Committee on Standards, [Review of the Code of Conduct: proposals for consultation](#) [PDF], 29 November 2021, HC 270 2021-22, para 30

## 3 Previous reviews of the Code of Conduct

The House approved the original Code of Conduct and Guide to the Rules on 24 July 1996.<sup>41</sup>

A code of conduct was introduced following recommendations in the first report from the Committee on Standards in Public Life (CSPL), in May 1995.<sup>42</sup> The CSPL's recommendations were considered by a specially appointed select committee before being adopted by the House of Commons.

A slightly revised Code and substantially changed Guide to the Rules were approved by the House on 14 May 2002.<sup>43</sup>

### Reviews of the Code and Guide to the Rules

In 2002, the CSPL recommended that, in each Parliament, the Parliamentary Commissioner for Standards (PCS) should initiate a review of the Code of Conduct and Guide to the Rules.<sup>44</sup> That was endorsed by the Select Committee on Standards and Privileges and supported in a debate in the House on 26 June 2003.<sup>45</sup>

The Code was reviewed late in the 2001 Parliament. The PCS initiated the review, consulted and reported to the Committee on Standards and Privileges. The Committee accepted the recommendations for changes to the Code but amended the Commissioner's draft by adding the words "including the general law against discrimination" to the general duty to uphold the law. The Committee noted that the Commissioner had not proposed this change.<sup>46</sup>

The Committee considered that:

... the inclusion of a provision committing Members to upholding their legal obligations in relation to equality would, at the least, be of considerable symbolic significance in reaffirming to all citizens the commitment of this House to ensuring they are treated equally under the law.<sup>47</sup>

<sup>41</sup> [HC Deb 24 July 1996 cc392-407](#)

<sup>42</sup> Committee on Standards in Public Life, [Standards in Public Life](#) [PDF], Cm 2850 May 1995

<sup>43</sup> [HC Deb 14 May 2002 cc731-751](#)

<sup>44</sup> Committee on Standards in Public Life, [Standards of Conduct in the House of Commons](#) [PDF], Cm 5663, November 2002, Recommendation 1, p24

<sup>45</sup> Committee on Standards and Privileges, [Eighth Report of the Committee on Standards in Public Life: "Standards of Conduct in the House of Commons"](#) [PDF], 11 February 2003, HC 403 2002-03, Annex, para 3; [HC Deb 26 June 2003 cc1239-1256](#)

<sup>46</sup> Committee on Standards and Privileges, [Review of the Code of Conduct](#) [PDF], 4 April 2005, HC 472 2004-05, paras 3-12

<sup>47</sup> As above, para 11

A new Code was approved on 13 July 2005.<sup>48</sup>

## 2010 review and 2012 code

The next review was delayed until the beginning of the 2010 Parliament. The PCS undertook a consultation and reported to the Committee on Standards and Privileges. In its report, the Committee commented on the Commissioner's proposals and recommended a revised Code of Conduct.<sup>49</sup>

A new Code was approved by the House, after debate and amendment, on 12 March 2012.<sup>50</sup> The new Code defined the scope of the Code as:

2. The Code applies to a Member's conduct which relates in any way to their membership of the House. The Code does not seek to regulate the conduct of Members in their purely private and personal lives or in the conduct of their wider public lives unless such conduct significantly damages the reputation and integrity of the House of Commons as a whole or of its Members generally.

And provided, among other things that:

16. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.<sup>51</sup>

The amendment added the following paragraph, after paragraph 16:

[16A] The Commissioner may not investigate a specific matter under paragraph 16 which relates only to the conduct of a Member in their private and personal lives.<sup>52</sup>

The Committee reconsidered this; the wording of the scope of the Code was revised; and then agreed by the House in March 2015.<sup>53</sup> Paragraph 16A was deleted and the "scope" paragraph now states that:

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.<sup>54</sup>

Although subsequent reviews of the 2012 Code have been initiated, and alterations have been made because of the introduction of the Independent Complaints and Grievance Scheme, the House has not approved the Code as a whole since 2012.

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<sup>48</sup> [HC Deb 13 July 2005 cc930-934](#)

<sup>49</sup> Committee on Standards and Privileges, [Review of the Code of Conduct](#) [PDF], 8 November 2011, HC 1579 2010-12

<sup>50</sup> [HC Deb 12 March 2012 cc85-102](#)

<sup>51</sup> Committee on Standards and Privileges, [Review of the Code of Conduct](#) [PDF], 8 November 2011, HC 1579 2010-12, Annex, para 16

<sup>52</sup> [HC Deb 12 March 2012 cc85-102](#)

<sup>53</sup> [HC Deb 17 March 2015 cc695-706](#); Committee on Standards, [The Code of Conduct and Guide to the Rules](#) [PDF], 3 November 2014, HC 772 2014-15, paras 6-11

<sup>54</sup> House of Commons, [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#) [PDF], 10 October 2019, HC 1882 2017-19, Code, para 2

Full references to the various editions of the Code of Conduct can be found in Appendix 1 of this briefing.

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## Appendix 1: New editions of and amendments to the Code of Conduct

### 1996

The House of Commons Code of Conduct was first adopted by the House on 24 July 1996.<sup>55</sup> The Code was proposed by the Committee on Standards and Privileges.<sup>56</sup>

This followed a process of review by the House following the first report from the Committee on Standards in Public Life, in May 1995.<sup>57</sup> A specially constituted Select Committee on Standards in Public Life produced two reports which refined the Nolan proposals.

### 2002

The second version of the Code of Conduct was approved by the House on 14 May 2002,<sup>58</sup> following a review of the Code by the Committee on Standards and Privileges.<sup>59</sup>

### 2005

The next version of the Code of Conduct was approved by the House on 13 July 2005,<sup>60</sup> following a review of the Code by the Committee on Standards and Privileges and the Parliamentary Commissioner for Standards.<sup>61</sup>

The Code agreed in 2005 was republished in June 2009, after a new version of the Guide to the Rules was agreed in February 2009. The publication was updated in 2010.<sup>62</sup>

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<sup>55</sup> [HC Deb 24 July 1996 cc392-407](#)

<sup>56</sup> Committee on Standards and Privileges, *The code of conduct and the guide to the rules relating to the conduct of members*, 12 July 1996, HC 604 1995-96

<sup>57</sup> Cm 2850 May 1995

<sup>58</sup> [HC Deb 14 May 2002 cc731-751](#)

<sup>59</sup> Committee on Standards and Privileges, [A New Code of Conduct and Guide to the Rules](#), 30 April 2002, HC 763 2001-02

<sup>60</sup> [HC Deb 13 July 2005 cc930-934](#)

<sup>61</sup> Committee on Standards and Privileges, [Review of the Code of Conduct](#) [PDF], 4 April 2005, HC 472 2004-05

<sup>62</sup> House of Commons, [The Code of Conduct together with The Guide to the Rules relating to the conduct of Members](#) [PDF], 23 June 2009, HC 735 2008-09

## 2012

This version of the Code of Conduct was first agreed on 12 March 2012,<sup>63</sup> following a review of the Code by the Committee on Standards and Privileges and the Parliamentary Commissioner for Standards.<sup>64</sup>

The House made an amendment to the Committee's proposals before adopting the new Code of Conduct. The amendment prevented the Parliamentary Commissioner for Standards from investigating matters that related to the conduct of a Member in their private and personal lives.<sup>65</sup>

Amendments have been made to the Code on three occasions since then:

- 17 March 2015;<sup>66</sup>
- 19 July 2018;<sup>67</sup>
- 23 June 2020.<sup>68</sup>

The published version of the Code of Conduct<sup>69</sup> does not include the amendments that were made on 23 June 2020.

## 2023

The current version of [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#) [PDF] was agreed on 12 December 2022,<sup>70</sup> to come into effect on 1 March 2023.<sup>71</sup>

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<sup>63</sup> [HC Deb 12 March 2012 cc85-102](#)

<sup>64</sup> Committee on Standards and Privileges, [Review of the Code of Conduct](#) [PDF], 8 November 2011, HC 1579 2010-12

<sup>65</sup> [HC Deb 12 March 2012 cc85-102](#)

<sup>66</sup> [HC Deb 17 March 2015 cc695-706](#)

<sup>67</sup> [HC Deb 19 July 2018 cc627-660](#)

<sup>68</sup> [HC Deb 23 June 2020 cc1244-1272](#)

<sup>69</sup> House of Commons, [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#) [PDF], 10 October 2019, HC 1882 2017-19

<sup>70</sup> [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#) [PDF], 10 February 2023, HC 1083 2022-23

<sup>71</sup> [HC Deb 12 December 2022 cc820-858](#)



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## Appendix 2: CSPL recommendations from 2018

In the executive summary of its 2018 report, [MPs' outside interests](#), the CSPL expressed its regret that the recommendations it had made on MPs' outside interests in its 2009 report had “not been fully acted upon by government and Parliament”.<sup>72</sup>

It noted, again, that most MPs did not hold outside interests, but it was concerned that “where a small number of individuals have taken up outside interests beyond what might be considered reasonable, it risks undermining trust in Parliament and Parliamentarians”.

In the 2018 report, it examined how to interpret and police “reasonable limits”. It considered that neither time limits nor financial limits on outside interests were appropriate. Some MPs had to spend specific amounts of time on maintaining professional registration (doctors, nurses, etc). In other cases, earnings came from royalties and did not take time.<sup>73</sup>

It proposed that regulation of MPs' outside interests should be based on the principle that any outside roles MPs undertake, whether or not they were paid, should not prevent MPs from fully undertaking the range of duties expected of them in their primary role as an MP.

The first recommendation of the 2018 report was that the Code of Conduct should include this requirement. Any breach of this principle should trigger an investigation by the independent Parliamentary Commissioner for Standards. Dependent on the findings of that investigation, sanctions should be recommended by the Commons Committee on Standards.

The CSPL argued that it was not appropriate for MPs to engage in “paid political or Parliamentary advisory or consultancy work” because this risked “perpetuating the public concern that MPs are using their public office for personal gain”.<sup>74</sup>

The CSPL noted that such activity was not permitted in other UK legislatures and recommended that the MPs' Code of Conduct should be updated to state:

MPs should not accept any paid work to provide services as a Parliamentary strategist, adviser or consultant, for example, advising

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<sup>72</sup> Committee on Standards in Public Life, [MPs' Outside Interests](#) [PDF], July 2018, p8

<sup>73</sup> As above, Chapter 3, pp32-40

<sup>74</sup> As above, p14

on Parliamentary affairs or on how to influence Parliament and its members.<sup>75</sup>

The CSPL's 12 recommendations were:

1. The Code of Conduct for MPs should be updated to state that:  
Any outside activity undertaken by a MP, whether remunerated or unremunerated, should be within reasonable limits and should not prevent them from fully carrying out their range of duties.
2. The Parliamentary Commissioner for Standards and the Commons Committee on Standards should undertake a review of the rules for the registration of interests. They should consider how the rules could be revised to make them clearer to MPs and the public.
3. The Code of Conduct for MPs and Guide to the Rules should be revised to state that MPs should register any non-pecuniary [non-financial] interests on the public Register of Interests, on the same basis as pecuniary interests: that the interest might reasonably be thought by others to influence actions taken in their capacity as a Member of Parliament.
4. As a matter of urgency, the Register of Members' Interests should be updated to ensure it is digitally accessible to the public and other MPs.
5. The Code of Conduct and Guide to the Rules for MPs should be revised to make clear when MPs do need to declare pecuniary and non-pecuniary interests, and what level of detail should be provided in declarations of interest.
6. The Parliamentary Digital Service should develop and implement a digital tool to identify where MPs have declared interests during Parliamentary proceedings.
7. The Code of Conduct for MPs and Guide to the Rules should be updated to provide explicitly that Members should not accept any but the most insignificant or incidental gift, benefit or hospitality from lobbyists. Guidance should be offered on the limits of 'insignificant or incidental'.
8. The Code of Conduct for MPs and Guide to the Rules should be updated to state that MPs should register accepted gifts and hospitality. The register of MPs' gifts and hospitality should be published regularly and in an easily accessible format. The Parliamentary Commissioner for Standards and Commons Committee

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<sup>75</sup> As above, Recommendation 10

on Standards should have responsibility for sanctions should gifts or hospitality not be registered.

9. All candidates at Parliamentary elections must publish, at nomination, whether they intend to continue to hold any existing interests if elected. The Cabinet Office should issue guidance on the registration of these outside interests in time for the next general election.
10. The Code of Conduct for MPs and Guide to the Rules should be updated to state:

MPs should not accept any paid work to provide services as a Parliamentary strategist, adviser or consultant, for example, advising on Parliamentary affairs or on how to influence Parliament and its members.

MPs should never accept any payment or offers of employment to act as political or Parliamentary consultants or advisers.
11. The Parliamentary Commissioner for Standards and Commons Committee on Standards should reconsider whether the Code of Conduct for MPs should be updated to require former MPs to register for two years any occupation or employment which involves them or their employer in contact with Ministers, MPs or public officials.
12. The Parliamentary Commissioner for Standards and the Commons Committee on Standards should consider the recommendations for changes to the Code of Conduct and Guide to the Rules arising from this report within 6 months from publication of this report. They should be debated and voted on in Parliament within 9 months of this report.<sup>76</sup>

In its initial reply to the CSPL in August 2018, the Government noted that there were “limited areas of action in the report identified for the Government” and that the majority of the recommendations were a matter for the House of Commons.<sup>77</sup> The Committee on Standards considered the CSPL’s recommendations in the course of its work on reviewing the Code of Conduct.

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<sup>76</sup> Committee on Standards in Public Life, [MPs’ Outside Interests](#) [PDF], July 2018, pp10-11

<sup>77</sup> Cabinet Office, [MPs’ Outside Interests – letter from Brandon Lewis to Lord Bew, CSPL](#) [PDF], 8 August 2018

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