

Debate Pack

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E-petitions debate: honesty in politics

Summary

On 23 October 2023, two e-petitions relating to honesty in politics, will be debated in Westminster Hall.

The subject for the debate was determined by the Petitions Committee and the debate will be led by Martyn Day.

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1 E-petition [561730](#): Make it a criminal offence for MPs to mislead the public

1.1 The Petition and Government response

E-petition [561730](#): Make it a criminal offence for MPs to mislead the public closed on 30 May 2021. The petition called for:

A new offence should be created and legal sanctions should be introduced to stop MPs intentionally or recklessly misleading the public. This could restore a degree of trust in the UK's political system.

It received a total of 110,966 signatures.

The Government provided an initial response to the e-petition on 14 December 2020¹ but the Petitions Committee requested “a revised response, that more directly addressed the request of the petition”.

The Government’s revised response, dated 26 January 2021, stated:

The Government does not intend to introduce legislation. MPs must abide by the Code of Conduct and allegations of misconduct are investigated by the Parliamentary Commissioner for Standards.

It is an important principle of the UK Parliament that Members of Parliament are accountable to those who elect them. It is absolutely right that all Members of Parliament are fully accountable to their constituents for what they say and do and this is ultimately reflected at the ballot box.

There are clear rules that govern the behaviour of candidates prior to their election to Parliament. The Electoral Commission sets out the rules for candidates during General Election campaigns, such as the type of publicity material that candidates are able to use and the rules around making false statements. You can find further information on specific electoral offences at the following website: <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/uk-parliamentary-general-election-great-britain>

Once elected to Parliament, all MPs must abide by the seven principles of public life which form the basis of ethical standards expected of holders of public office. These are set out by the Committee on Standards in Public Life and are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It is a requirement that any holder of public office must be truthful and must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Upon election, MPs are also subject to the House of Commons Code of Conduct and the Guide to the Rules relating to the Conduct of Members. Included in the

¹ [E-petition 561730](#), see original Government response

code is a general duty on MPs to “act in the interests of the nation as a whole; and a special duty to their constituents”, alongside a requirement that MPs “act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.”

The House of Commons Committee on Standards is currently conducting an inquiry into the operation of the Code of Conduct for Members of Parliament, in liaison with the Parliamentary Commissioner for Standards who will carry out an independent review of the Code. The Committee will publish a report on the code and a public consultation will follow.

The Parliamentary Commissioner for Standards oversees the application of the code and further details are available on the Parliament website at: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/>

Ultimately, it is right that MPs are accountable to the electorate and should uphold the highest of standards. This is also a principle recognised in the Representation of the People Act 1981 which provides that if an MP receives a custodial sentence of 12 months or more, they are disqualified from being a member of the House of Commons. The Recall of MPs Act was introduced in 2015 to allow constituents to sign a petition to recall their MP if their MP is convicted of an offence and receives a custodial sentence of 12 months or less, is convicted of an offence under the Parliamentary Standards Act 2009 or is suspended from the House of Commons for 10 or more sitting days (or 14 calendar days if the motion is not expressed in terms of sitting days). A recall petition would be successful if signed by at least 10% of the registered voters in a constituency. The recall mechanism adds to the House of Commons’ own suite of disciplinary measures and gives constituents a say over their MPs’ conduct between General Elections.

2

E-petition [576886](#): Make lying in the House of Commons a criminal offence

2.1

The Petition and Government response

E-petition [576886](#): Make lying in the House of Commons a criminal offence closed on 14 October 2021. The petition called for:

The Government should introduce legislation to make lying in the House of Commons a criminal offence. This would mean that all MPs, including Ministers, would face a serious penalty for knowingly making false statements in the House of Commons, as is the case in a court of law.

It received a total of 133,008 signatures.

The Government provided a response to the e-petition on 12 August 2021. It stated:

The Government does not intend to introduce legislation of this nature. MPs must abide by the Code of Conduct and conduct in the Chamber is a matter for the Speaker.

It is an important principle of the UK Parliament that Members of Parliament are accountable to those who elect them. It is absolutely right that all MPs are fully accountable to their constituents for what they say and do and this is ultimately reflected at the ballot box.

Freedom of speech in Parliament is an essential part of our democracy. It is a right that enables Parliament to function freely and fully, ensuring that MPs are able to speak their minds in debates, and to represent their constituents' views without fear or favour. Parliamentary privilege, which includes freedom of speech and the right of both Houses of Parliament to regulate their own affairs, grants certain legal immunities to Members of both Houses to allow them to perform their duties without outside interference.

Once elected, MPs are expected to abide by the seven principles of public life which form the basis of ethical standards required of holders of public office. These are set out by the Committee on Standards in Public Life and are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It is a requirement that any holder of public office must be truthful and must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

MPs are also subject to the House of Commons Code of Conduct and the Guide to the Rules relating to the Conduct of Members. The code includes a general duty on MPs to "act in the interests of the nation as a whole; and a special duty to their constituents", alongside a requirement that MPs "act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources." The Parliamentary Commissioner for Standards is an independent officer of the

House of Commons and is responsible for investigating allegations that MPs have breached the rules in the Code of Conduct. Further details about the role of the Commissioner for Standards are available on the Parliament website at: <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/>

Conduct in the Chamber is beyond the remit of the Parliamentary Commissioner for Standards. This is because the House has determined that how Members conduct themselves in the Chamber, including their adherence to the principles of public life, is a matter for the Speaker, and Parliament is responsible for its own procedures.

3 Arrangements within Parliament for challenging dishonest or misleading statements

3.1 Can an MP accuse another MP of lying?

Erskine May, the authoritative guide to parliamentary rules and practice, states that “Good temper and moderation are the characteristics of parliamentary language” and that these general requirements are “particularly important when Members are speaking of other Members, not because Members require specific protection, but in order to preserve the character of parliamentary debate”.²

After making these general observations, Erskine May states that unparliamentary language is subject to the context in which a word or phrase is used. However, some expressions, including “charges of uttering a deliberate falsehood” are “regarded with a particular seriousness”.³

Erskine May refers specifically to a number of rulings in a footnote linked to “charges of uttering a deliberate falsehood”. The footnote refers to a Speaker’s ruling of 16 April 1973,⁴ which was prompted by a point of order made on 12 April 1973.⁵ In that ruling, the Speaker stated that:

Since 1921, the Chair has ordered the following words to be withdrawn: “a lie”, “that’s a lie”, “he is lying”, “liar”, “deceiving”, “lied to the House”, “deliberately misleading”, “deliberately misled”, “a damn lie”.

However, as Erskine May notes, it is possible for accusations that an MP has lied to be debated, as long as the debate takes place on a “distinct motion about the conduct of the other Member”.⁶

On 13 June 2012, a debate took place on the motion that:

That this House believes that the Secretary of State for Culture, Olympics, Media and Sport should be referred to the Independent Adviser on Ministers’ Interests to investigate whether he breached paragraph 1.2c (giving accurate and truthful information to Parliament) and paragraph 3.3 (responsibility for his special adviser) of the Ministerial Code.

² Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 21.21](#), [para 21.24](#)

³ *Ibid*, para 21.24

⁴ [HC Deb 16 April 1973 vol 855 cc28-30](#)

⁵ [HC Deb 12 April 1973 vol 854 cc1525-1526](#)

⁶ Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 21.24](#); with references to paras 20.10 and [21.23](#)

In the course of the debate, the Speaker allowed an MP to say that the Secretary of State had lied.⁷

3.2 Challenging what other MPs say

In its June 2023 report, the Procedure Committee said there are “numerous avenues through which Members can pursue corrections to inaccurate statements made in the House”. These avenues were suggested to the Committee:

- written parliamentary questions
- debates via the Backbench Business Committee
- an Opposition day debate on the issue
- early-day motions
- points of order
- write to the Speaker and make a claim for the matter to be pursued as a matter of privilege⁸

3.3 Ministerial corrections

Since 2007, there has been a system that allows Government ministers in the House of Commons to correct the record. It should be used for “all corrections to inadvertent errors of fact made by Ministers and other Members who provide information to the House in an official capacity”.⁹

A section of Hansard is titled “Ministerial corrections”. In 2007, the Procedure Committee described how this section of Hansard should be used:

The corrections page should be used for corrections to errors made in the Chamber, in Westminster Hall and in general committees, where there is no opportunity to correct them during the proceedings of that committee.

...

Each correction should be free-standing. It should set out what the original error was, in what circumstances it was made (e.g. in reply to a written question), and how it is being corrected. There should be a clear cross-

⁷ [HC Deb 13 June 2012 c345](#)

⁸ Procedure Committee, [Correcting the record](#) (PDF), 29 June 2023, HC 521 2022-23, para 34

⁹ Procedure Committee, [Corrections to the Official Report](#) (PDF), 23 May 2007, HC 541 2006-07, para 19

reference to the error itself. It should not be used to provide new information or to continue an argument.¹⁰

Before this change was made, the Procedure Committee said there were five ways in which the record could have been corrected:

- A letter to the Editor pointing out a minor error which does not alter the meaning of the passage and which is then corrected in the Bound Volume of Hansard.
- A pursuant answer. This method (which can only be used to correct an error in the answer to a parliamentary question) requires the agreement of the Table Office and is restricted to ‘relatively inconsequential matters of fact (figures and dates).’
- An ‘inspired’ question, tabled on behalf of the Minister and which provides an opportunity to correct an answer previously given or a statement previously made.
- A letter to the Member to whom the original incorrect information was given explaining that an error was made and giving the correct information. A copy of the letter is also placed in the Library. The correction is recorded in the Library information system (PIMS), but there is no record of it in Hansard.
- A written ministerial statement. This is the most immediately transparent method of correction, although, as we discuss below, even this does not provide the clear link between the original error and its correction which we would ideally like to see.¹¹

These methods are still available, although the ministerial corrections system means that “friendly” ‘inspired’ questions are no longer necessary.

The advantages of the ministerial corrections system are that corrections are collected in a single place and links can be made to the original statement. In the electronic version of Hansard, hyperlinks are provided and revised text is shown with the original statement.

In June 2023, the Procedure Committee published a report on correcting the record. It reported on the way the current system works; the visibility and accessibility of the system; the procedural opportunities for challenge; and the scope of the system.¹²

¹⁰ Procedure Committee, [Corrections to the Official Report](#) (PDF), 23 May 2007, HC 541 2006-07, paras 21 and 24

¹¹ Procedure Committee, [Corrections to the Official Report](#) (PDF), 23 May 2007, HC 541 2006-07, para 4

¹² Procedure Committee, [Correcting the record](#) (PDF), 29 June 2023, HC 521 2022-23

3.4

Extending the arrangements within Parliament for challenging dishonest or misleading statements

In its 2023 report on correcting the record, the Procedure Committee noted that not all the means that ministers had to correct the record were available to Opposition front bench spokespeople or to backbenchers. It recommended:

The most effective option to improve opportunities available for backbenchers to correct the record is to incorporate them fully into the existing ministerial corrections system. This means that corrections by backbenchers would feature on corrections pages generated by the Official Report and would be cross-referenced for maximum transparency. They should also be required to adhere to the same standards as set in the ministerial corrections system, including not being provided to continue an argument or present new information and should be vetted by the Table Office.¹³

In her response to the Committee, on behalf of the Government, Penny Mordaunt, Leader of the House of Commons, welcomed this proposal and said:

It is an important principle that all members of the House, be they Ministers of the Crown, members of the Official Opposition or backbench members, adhere to the high standards of accountability and openness and have a similar responsibility to provide accurate information. The Government, therefore, welcomes the proposed expansion of the formal corrections process to all MPs. The lack of a formal mechanism for members of the Official Opposition and backbench MPs means there is no clear way of identifying and linking an original statement to the correction given and the public should not have to work their way through Hansard before finding the correction. The Government believes that this change would improve clarity and transparency of corrections.

She told the Committee that the Government was “happy” to facilitate a motion for the House to decide on the Committee’s proposals.¹⁴

¹³ Procedure Committee, [Correcting the record](#) (PDF), 29 June 2023, HC 521 2022-23, para 46

¹⁴ Procedure Committee, [Correcting the Record \(Fourth Report of Session 2022-23\)](#) (PDF), Letter from Penny Mordaunt, Leader of the House of Commons, to the Chair of the Procedure Committee, dated 20 July 2023, 13 September 2023

4

Misleading the House of Commons

In the summary of its report into the conduct of Boris Johnson, the Committee of Privileges explained why expecting MPs to tell the truth is crucial to democracy:

Misleading the House is not a technical issue, but a matter of great importance. Our democracy is based on people electing Members of Parliament not just to enable a government to be formed and supported but to scrutinise legislation and hold the Executive to account for its actions. Our democracy depends on MPs being able to trust that what Ministers tell them in the House of Commons is the truth. If Ministers cannot be trusted to tell the truth, the House cannot do its job and the confidence of the public in our democracy is undermined. When a Minister makes an honest mistake and then corrects it, that is democracy working as it should.¹⁵

The House of Commons can punish MPs for contempts of the House. While matters are considered by the Committee of Privileges, the final decision on “whether a contempt has been committed, and if so what sanction, if any, to impose” rests with the House of Commons.¹⁶

On 21 April 2022, the House referred the question of whether assertions made to the House about the legality of activities in 10 Downing Street and the Cabinet Office amounted to misleading the House to the Committee of Privileges.¹⁷

The Committee examined what Mr Johnson had said and what he knew about the rules and guidance. It concluded that he had deliberately misled the House. Mr Johnson resigned from the House before the Committee reported. In its report, it said, if he had not already resigned, it would have recommended a sanction that, if agreed by the House, would have triggered a recall petition.¹⁸

As a result of Mr Johnson publicising details of the Committee’s conclusions before its report was published, it also commented on his “attack upon the Committee” and put on the record “In the light of Mr Johnson’s further contempts, we put on record that if he had not resigned his seat, we would have recommended that he be suspended from the service of the House for 90 days for repeated contempts and for seeking to undermine the parliamentary process”.¹⁹

¹⁵ Committee of Privileges, [Matter referred on 21 April 2022 \(conduct of Rt Hon Boris Johnson\)](#) (PDF), 15 June 2023, HC 564 2022-23, Summary

¹⁶ As above, para 203

¹⁷ [HC Deb 21 April 2022 cc351-429](#)

¹⁸ Committee of Privileges, [Matter referred on 21 April 2022 \(conduct of Rt Hon Boris Johnson\)](#) (PDF), 15 June 2023, HC 564 2022-23, para 211

¹⁹ As above, paras 214-229

4.1

Ministerial accountability to Parliament

There is a long-standing understanding that misleading the House is a potential contempt of the House and ministers have had to resign for deliberately misleading the House. A contempt, is an action that has substantially interfered with or threatens to obstruct a function of the House. So providing incorrect information would affect the House's ability to hold the Government to account.

This long-standing understanding is formally set out in a parliamentary resolution – agreed by both Houses in 1997;²⁰ and in the Ministerial Code.²¹

The Ministerial Code is a combination of ethical principles and procedural guidance, issued by the Prime Minister

Both the resolution on accountability and the Ministerial Code state that:

It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister

²⁰ [HC Deb 19 March 1997 cc1046–47](#)

²¹ Cabinet Office, [Ministerial Code](#), December 2022, para 1.3

5

Standards in Public Life

5.1

The Seven Principles of Public Life

The [Seven Principles of Public Life](#) outline the ethical standards those working in the public sector are expected to adhere to. They were first set out by Lord Nolan in 1995 in the first report of the Committee on Standards in Public Life (CSPL).²² The Seven Principles of Public Life are:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

In its November 2021 report, *Upholding Standards in Public Life*, the CSPL said it had “examined whether the current articulation of the Seven Principles lays out the right ethical expectations for all those in public life”. It reported that

²² Committee on Standards in Public Life, [Standards in Public Life](#), First Report, May 1995, Cm2850

“Contributors voiced strong support for Nolan’s original seven, citing their longevity, timelessness and widespread integration into British public life”.²³

5.2 The House of Commons Code of Conduct

The House of Commons Code of Conduct includes the Seven Principles of Public Life. In introducing them, the Code states:

The House of Commons Code of Conduct is inspired and informed by the Seven Principles of Public Life. The Principles apply across the public services.²⁴

Breaches of the Code of Conduct are investigated by the Parliamentary Commissioner for Standards in accordance with the [Code of Conduct: Procedural Protocol](#) (PDF). The Protocol makes it clear that:

The Commissioner cannot investigate in any circumstances:

a) conduct in the Chamber, which is a matter for the Speaker; ...

5.3 Powers of the Speaker to maintain order

The Speaker or Chair deals with breaches of order in the Chamber.

Under Standing Orders Nos 42, 43 and 44, the Speaker can order an MP to resume their seat and order them to withdraw from the Chamber for the rest of the day’s sitting.

If those powers are not sufficient, the Speaker can name an MP.

If an MP is named, a motion is made that the “Member be suspended from the service of the House”. If an MP is named, and the House agrees to suspend them, they are suspended for five sitting days. On a second occasion, they are suspended for 20 sitting days; and on a subsequent occasion, they are suspended until the Houses resolves that the suspension should end.

²³ Committee on Standards in Public Life, [Upholding Standards in Public Life](#) (PDF), November 2021, para 1.39

²⁴ House of Commons, [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

6 Press and parliamentary material and other information

6.1 Press material

- [Ministers lying to Parliament undermines democracy, ethics chief says](#)

BBC News

17 October 2023

- The BBC reported the speech that Lord Evans of Weardale, the Chair of the Committee on Standards in Public Life gave at the institute for Government (IfG) earlier on 17 October. A recording of Lord Evans' speech, [Upholding standards in public life](#), is available on the IfG's website.

- ['Dishonesty epidemic infecting Tories': Conference sparks fresh calls for rules to stop MPs lying](#)

Sky News

05 October 2023

- [Plaid Cymru asks MPs to make it an offence for politicians to lie](#)

ITV News

28 June 2022

- [Change the law so politicians who lie can be prosecuted](#)

Wales Online

11 December 2019

6.2

Parliamentary material

House of Commons debate on the [Seven Principles of Public Life](#), on 7 September 2022, in Westminster Hall.²⁵

House of Lords debate on [Standards of Behaviour and Honesty in Political Life](#), 23 June 2022.²⁶

Elected Representatives (Prohibition of Deception) Bill 2022-23

The [Elected Representatives \(Prohibition of Deception\) Bill 2022-23](#) was introduced by Liz Saville Roberts (Plaid Cymru), on 28 June 2022.

She introduced the Bill under the ten-minute rule procedure. In seeking leave to introduce the Bill she outlined what the Bill would do:

The Bill would make it an offence for an elected representative to wilfully and, when provided with evidence of their action, repeatedly lie to the public. After all, we are all mortal and we make mistakes, but at present politicians are effectively rewarded when the lies that they peddle garner political rewards. There is presently scant sanction for mistruths and the admittance of errors is seen as a weakness. We must create a culture here where we are rewarded for correcting our mistakes and chastised when we seek to profit from a lie. Arbitration should be carried out under the same procedures already used to determine whether a business or corporation has intentionally mis-sold or misled. Repeated offences should be sanctioned with a fine or ultimately with disbarment from public office temporarily.

For those who unwittingly repeat or invoke a falsehood, ample opportunity should be given to publicly correct the record and, in doing so, to reinforce the importance of honesty, humility and responsibility. False accusations would themselves be sanctioned in this Bill to prevent its misuse for political or other reasons. It also proposes effective checks and balances in its proposal to employ the judiciary as guardians of the good name of politics. There would be a rational defence when acting in the interests of national security.²⁷

²⁵ [HC Deb 7 September 2022 cc108WH-131WH](#)

²⁶ [HL Deb 23 June 2022 cc345-381](#)

²⁷ [HC Deb 28 June 2022 cc184-185](#)

6.3

UCL Constitution Unit blogposts

[“Standards in public life: what are they, and why do they matter?”](#), The Constitution Unit, 29 March 2023

High ethical standards are fundamental to a healthy democracy, and their importance is widely recognised across the political spectrum. Prime Minister Rishi Sunak has promised to put ‘[integrity, professionalism and accountability](#)’ at the heart of his government; Keir Starmer has pledged to maintain ‘[decency and standards in public life](#)’.

[“Integrity and accountability: new report on public attitudes to democracy in the UK”](#), The Constitution Unit, 7 March 2023

Public trust in politicians is low, and most people think that the system for protecting standards needs to be strengthened. Most people want those in power to be held accountable through a system of strong checks and balances, provided through parliament, the courts, and other institutions. While the cost of living and the NHS are most people’s top priorities, people care about the health of democracy in the UK as well. Above all, they want the discourse of politics to be more honest.

7

E-petitions: general information

Any British citizen or UK resident can start an e-petition on the [UK Government and Parliament Petitions](#) website. They need the support of five other people in order to launch an e-petition.

A proposed new petition has to conform with [Standards for petitions](#) (posted on the website). If it does so, it is published and open for signing.

If a petition gets 10,000 signatures, the Government will respond.

If a petition gets 100,000 signatures, it will be considered for debate in Parliament.

The [Petitions Committee](#) is appointed by the House of Commons to consider e-petitions submitted on UK Government/Parliament's petitions website and public (paper) petitions presented to the House of Commons.

The Petitions Committee can:

- ask for more information in writing—from petitioners, the Government, or other relevant people or organisations
- ask for more information in person—from petitioners, the Government, or other relevant people or organisations. This might be in Parliament or somewhere else in the UK
- write to the Government or another public body to press for action on a petition
- ask another parliamentary committee to look into the topic raised by a petition
- put forward petitions for debate in the House of Commons. It can determine whether there should be a sitting in Westminster Hall to consider one or more petitions or e-petitions

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