

# **The Nolan Resolutions**

**Research Paper 95/118**

**23 November 1995**



From 15 November 1995 new Resolutions apply to the House in respect of the conduct of Members, and the registration and declaration of Members interests, together with their employment contracts. This Paper presents all the new Resolutions passed by the House on 19 July and 6 November and gives some brief context. An Appendix gives the full text of the Resolutions.

**Oonagh Gay**  
**Home Affairs Section**

**House of Commons Library**

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## **Introduction and Summary**

On 11 May the Nolan Committee published its First Report into Standards of Public Life (Cm 2850). Following a debate in the House on 18 May the Select Committee on Standards in Public Life was set up to examine the Nolan recommendations relating to Parliament and published two reports (HC 637 and HC 816 of 1994-95). These reports and their recommendations were debated on 19 July and 6 November.

This Library Paper sets out for the convenience of Members the Resolutions passed by the House on 19 July and 6 November 1995 relating to the Parliamentary Commissioner for Standards, the Select Committee on Standards and Privileges, the Code of Conduct, the declaration of Members' Interests, the Conduct of Members, delegations to Ministers, and the disclosure of employment agreements. The two reports of the Select Committee on Standards in Public Life are cross referenced where appropriate. Earlier Library Papers, in particular no. 95/109 *Aspects of Nolan - the proposals for Parliament*, provide further background. Members are also referred to the note sent by Tony Newton to Members on 15th November giving a summary of the House's decisions following the Nolan Report.

# I Parliamentary Commissioner for Standards

On 19 July 1995 the House **resolved** that the appointment of a Parliamentary Commissioner for Standards be set in hand by Madam Speaker on the advice of the House of Commons Commission in accordance with the recommendations of the first report of the Select Committee on Standards in Public Life.<sup>1</sup> It further resolved that the House agreed with that Committee's recommendations on the principal duties of the PCS and method of removal from office.

On 6 November the House **agreed** a new Standing Order<sup>2</sup> which sets out the principal duties and method of removal as recommended by that report (para. 14 HC 637).

*Standing Order (Parliamentary Commissioner for Standards)*

- (1) There shall be an officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.
- (2) The principal duties of the Commissioner shall be-
  - (a) to maintain the Register of Members' Interests and an other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards and Privileges or an appropriate sub-committee thereof;
  - (b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;
  - (c) to advise the Committee on Standards and Privileges, its sub-committees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;
  - (d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committee on Standards and Privileges or an appropriate sub-committee thereof; and
  - (e) to receive and, if he thinks fit, investigate specific complaints from Members and from members of the public in respect of-
    - (i) the registration or declaration of interests, or
    - (ii) other aspects of the propriety of a Member's conduct,and to report to the Committee on Standards and Privileges or to an appropriate sub-committee thereof.
- (3) The Commissioner may be dismissed by resolution of the House.

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<sup>1</sup> HC 637 Session 1994/95

<sup>2</sup> no. 121B

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Paragraph (3) followed the recommendation of the first report (para. 23). The Committee had noted that without statutory authority the PCS could only operate through the Privileges and Standards Committee, under the procedure of the House. For example, reports by the PCS could only be published by the authority of that Committee; and powers to compel the attendance of Members before the Commissioner would be exercisable only by the Committee acting on a request from the Commissioner (paras. 15, 24, 25).

On 6 November the House **resolved** that Sir Gordon Downey KCB be appointed Parliamentary Commissioner for Standards on the terms of the report of the House of Commons Committee dated 30 October.<sup>3</sup> The House of Commons Commission had recommended that Sir Gordon Downey be appointed for an initial three year period on the basis of 4 days a week at a salary of £72,000. After the second year, the post would be reviewed to decide whether that level of duties remained appropriate. The appointment would begin on 15 November 1995, with the initial location at 7 Millbank and with temporary assistance from the current Registrar. Supporting staff would be composed of the Assistant Registrar and a personal secretary, but the Commissioner would assess whether further staff were necessary. The arrangements for the appointment of the PCS followed closely the evidence given to the Committee on Standards in Public Life by the Clerk of the House.<sup>4</sup>

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<sup>3</sup> HC 789 Session 1994/95

<sup>4</sup> Memorandum by the Clerk of the House Annex B HC 637

## II Select Committee on Standards and Privileges

On 19 July 1995 the House **resolved** to establish, from the beginning of the 1995/96 Session, a new Select Committee on Standards and Privileges to take over the existing functions of the Committee of Privileges and the Select Committee on Members Interests and to consider complaints concerning Members' conduct referred to it by the Parliamentary Commissioner for Standards. This was in accordance with the recommendations in the first report of the Committee on Standards in Public Life (para. 39 HC 637). On 6 November the House **agreed** a new Standing Order<sup>5</sup> setting up the new Committee:

### *Standing Order (Committee on Standards and Privileges)*

- (1) There shall be a select committee, called the Committee on Standards and Privileges-
  - (a) to consider specific matters relating to privileges referred to it by the House;
  - (b) to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; and to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; and
  - (c) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in any code of conduct to which the House has agreed and which have been drawn to the committee's attention by the Commissioner; and to recommend any modifications to such code of conduct as may from time to time appear to be necessary.
- (2) The committee shall consist of eleven Members, of whom five shall be a quorum.
- (3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.
- (4) The committee shall have power to appoint sub-committees consisting of no more than seven Members, of whom three shall be a quorum, and to refer to such sub-committees any of the matters referred to the committee; and shall appoint one such sub-committee to receive reports from the Commissioner relating to investigations into specific complaints.

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<sup>5</sup> SO no. 121A

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- (5) The committee and any sub-committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.
- (6) The committee shall have power to order the attendance of any Member before the committee or any sub-committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a sub-committee or of the Commissioner, be laid before the committee or any sub-committee.
- (7) The committee shall have power to refuse to allow proceedings to which the strangers are admitted to be broadcast.
- (8) Mr Attorney General, the Lord Advocate, Mr Solicitor General and Mr Solicitor General for Scotland, being Members of the House, may attend the committee or any subcommittee, may take part in deliberations, may receive committees or sub-committee papers and may give such other assistance to the committee or sub-committee as may be appropriate, but shall not vote or make any motion or move any amendment.

The First Report of the Select Committee into Standards in Public Life had considered the powers and functions of this new Committee at Appendix 2 of its report, and the Standing Order follows its recommendations, without the accompanying detail of the Appendix. Briefly, it was considered that the new Committee would continue to examine the traditional privilege cases, as well as complaints about the declaration and registration of Members' Interests, and complaints arising more generally about Members' conduct, particularly if in breach of the Code. Traditional privilege cases would, as now, be referred by the House on a motion with the Speaker filtering out unsubstantiated complaints. Other cases would be referred via the Commissioner. Paragraphs 4-7 of Appendix 2 to the First Report set out the proposed role of the subcommittees and their relationship to the main Committee:<sup>6</sup>

4. The new Committee should have the power to appoint one or more Sub-Committees, one of which would be empowered:-

- (i) to receive reports from the Commissioner in cases where he or she had decided that there was no *prima facie* case to answer; the Sub-Committee would not be expected to question the Commissioner's findings in such cases.
- (ii) to receive and consider reports from the Commissioner in cases where he or she had accepted that there was a *prima facie* case to answer and had reached an agreed course of action with the Member or Members concerned. A course of action could range from an apology to a penalty. Where the imposition of a penalty required the authority of the House, such as a period of suspension, the

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<sup>6</sup> paras. 4-7

Sub-Committee would refer the case to the full Committee, which would make a formal recommendation to the House. In a case where the agreed course of action did not require the endorsement of the House, the Sub-Committee's decision on the Commissioner's report would be final.

5. Where a prima facie case had been accepted by the Commissioner, but no agreement had been reached with the Member or Members concerned on a course of action, the case would automatically be referred to the full Committee, which would adjudicate and, where a penalty was deemed appropriate, make a recommendation to the House. If the full Committee decided upon action falling short of a penalty, but which nonetheless required the co-operation of the Member or Members involved (such as an apology or an undertaking about future conduct), any Order to that effect should have the same force as an Order of the House.

6. A Member who challenged the Commissioner's findings, either as regards the facts or the judgement, would have a right to have his case referred to the full Committee as set out under para (5) above.

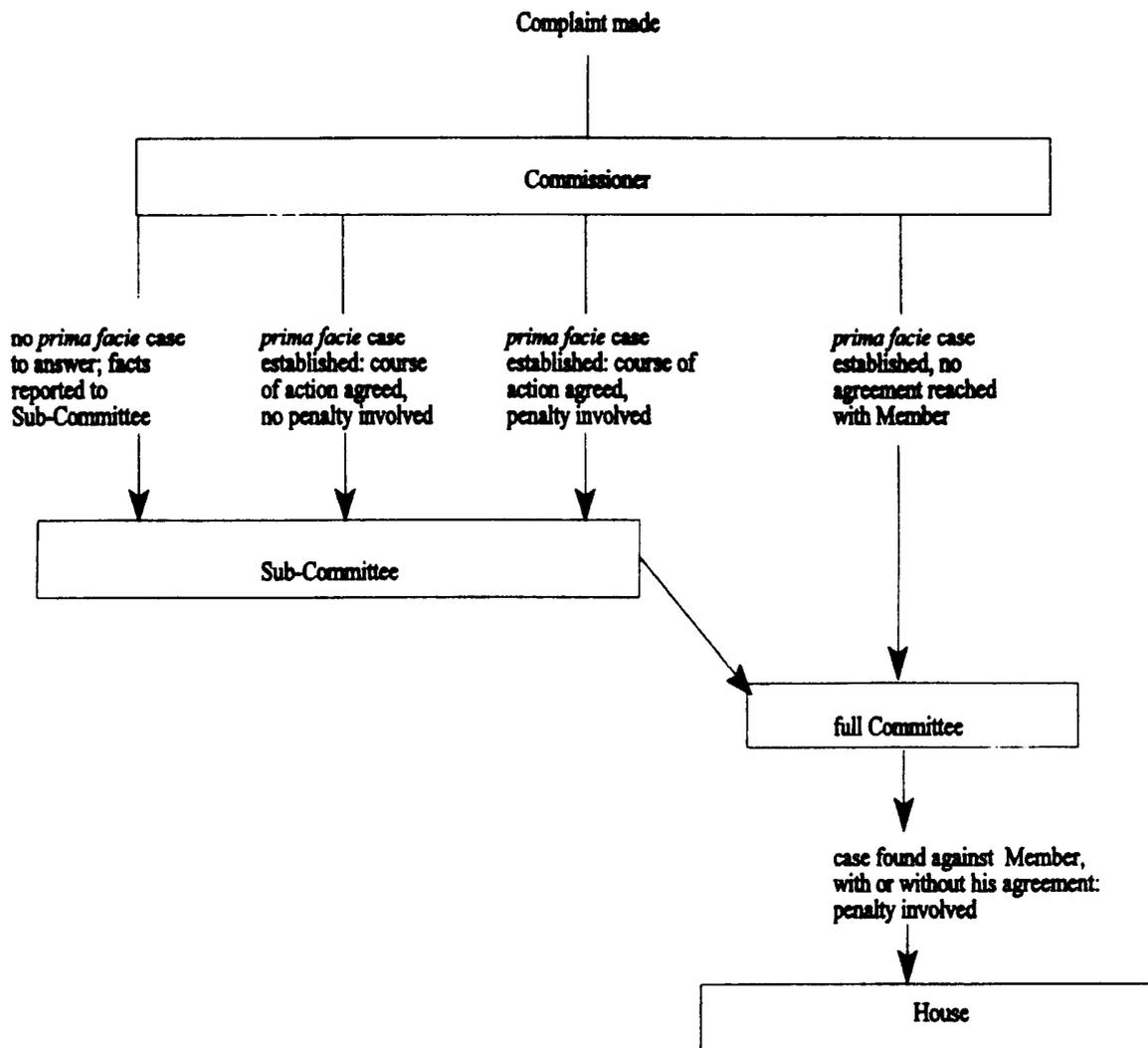
*7. Although it is implicit in the preceding paragraphs, it must be clearly emphasised that the authority to impose any penal sanctions would remain with the House, even in cases where the Member in question did not challenge the recommendation.*

The Standing Order incorporated at para (6) the recommendation in the first Report that the power to send for persons be extended in a way not available to any other Select Committee, to cover Members (Appendix 2 para. 8). The Report recommended that, like other Select Committees, the new Committee and its sub-committees should deliberate only in private: the Standing Order does not include any power to deliberate in public. The report also suggested that the new Committee would need to determine whether to take evidence in public and that the House have the opportunity to express a view on whether the new committee should have discretionary power to exclude broadcasters from public meetings (paras 11-16). In the event the Standing Order incorporates this power at paragraph 7. Appendix 2 also looked at the role of the Attorney General and the need for Members to be accompanied by advisers, as well as other measures to protect natural justice (paras 17-24). The Standing Order enables the Attorney General and other law officers who are Members of the House of Commons to attend meetings of the Committee or of sub-committees and to receive papers.

Appendix 3 sets out in diagrammatic form the recommended procedures for cases involving Members Conduct:<sup>7</sup>

APPENDIX 3

DIAGRAM ILLUSTRATING ROUTE FOLLOWED BY CASES INVOLVING MEMBERS' CONDUCT



<sup>7</sup> Appendix 3

The Committee considered at para. 26 of the First Report the question of the publication of reports and findings of the PCS:<sup>8</sup>

26. The Committee will determine its own procedures, within the order of reference given to it by the House. We believe that the spirit of what Nolan recommended would be met if the Committee normally published the reports and findings of the Commissioner in full where a prima facie case to answer had been established. This cannot be an absolute rule since this would unacceptably fetter the discretion of the Committee, indeed of any Committee, to decide whether to publish evidence submitted to it. Similarly the Committee must retain the right to add any comments it wishes to make on the Commissioner's findings. We envisage this process taking the form of regular reports to the House from the Committee, to which the Commissioner's findings and conclusions in such cases would be attached as an annex. Where, however, the Commissioner decided that no prima facie case had been established, he would merely report the facts to the Committee. The Committee would inform both the complainant and the Member concerned, but no details of the complaint would be published.

On 6 November the House agreed that S.O. No. 121 (Committee of Privileges) could be repealed when the Committee of Privileges had reported to the House in respect of the complaints currently referred to it, and repealed S.O. No. 128. (Select Committee for Members Interests).

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<sup>8</sup> para. 26

### **III Code of Conduct and Declaration and Registration of Interests**

#### **A. Code of Conduct**

On 19 July the House **resolved** that it agreed with the recommendations of the First Report of the Select Committee on Standards in Public Life at para. 47 relating to the preparation of a draft Code of Conduct. This paragraph had recommended that the Clerk of the House begin work in the summer recess on drafting the Code. It was considered further in para. 45 that the Code of Conduct would be totally within the remit of the new Committee on Standards and Privileges which could put a proposed Code to the House for approval, and would have the power and duty to suggest additions or revisions to the Code.

The House further **resolved** on 19 July that "this House endorses the principle of a Code of Conduct, and instructs the appropriate Select Committee to prepare such a draft Code for approval as soon as possible, taking into account the suggestions of the Nolan Committee and any relevant overseas analogues; and whilst restating its commitment to the objectives of the Resolution of 1947 relating to Privileges, accepts the need to review its wording in the context of the work to be undertaken on the draft Code". The latter part of this resolution relates to a recommendation at para. 76 of the First Report on the need to redraft the 1947 resolution.

The new Committee will have the responsibility of preparing a draft of the Code. The wording of the 1947 Resolution was amended on 6 November 1995 (see below under Conduct of Members and Paid Advocacy).

#### **B. Bribery of Members of Parliament**

On 19 July the House **resolved** that it agreed with the recommendation contained in the First Report of the Select Committee on Standards of Public Life at para. 52 on a review of the law relating to the bribery of Members. The Committee had recommended that "the Government should ask the Law Commission to undertake an immediate review of the common and statute law relating to bribery, with specific reference to Members of Parliament. The review should concentrate in particular on the degree of doubt which exists about the effectiveness of the common law in dealing with bribery cases involving Members and the practical problems, if any, which arise from this" (para. 52). The Government response to the first report from the Committee on Standards of Public Life (Cm 2931) welcomed the opportunity to clarify the law and promised to consider the recommendation after the

Commons debate on the Select Committee's recommendations. On 2 November, Roger Freeman, Chancellor of Duchy of Lancaster, said that the responsibility now lay with the Home Secretary.<sup>9</sup>

### C. Guidance on registration and declaration of interests

On 19 July the House **resolved** that it agreed with the recommendations contained in the First Report of the Select Committee on Standards in Public Life at para. 50 relating to the preparation of guidance on registration and declaration of interests. Para. 50 reads as follows:<sup>10</sup>

50. We recommend that the Clerk of the House and the Registrar of Members' Interests should set in hand the preparation of new written guidance to be given to all Members explaining the rules for registration and declaration of interests and the Code of Conduct, if and when it has been agreed by the House. We also recommend that the guidance should be accompanied by a form, to be signed and returned by Members to the Registrar, or to the Commissioner once he is in post, stating that the recipient has read the document.

The Committee considered that the guidance would fall eventually within the responsibility of the Commissioner, who has now been appointed.

### D. Operation of the Register of Members' Interests

On 19 July the House **resolved** that it agreed with the recommendations contained in the First Report from the Select Committee on Standards in Public Life (para. 66) relating to updating and improving the availability of, the Register of Members' Interests. The Committee had recommended that the Registrar, and ultimately the Commissioner, continue to seek ways of enhancing and accelerating the process of updating the Register and of making it more widely available, possibly through the Parliamentary Data and Video Network (PDVN). At present the Register is published on an annual basis as a House of Commons paper and a loose leaf version is printed out about every three weeks and kept in the Library for Members and made available to the public in the Registry.<sup>11</sup>

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<sup>9</sup> HC Deb 2/11/95 c.487

<sup>10</sup> para. 50

<sup>11</sup> (Memorandum by Clerk of the House, HC 637, Annex A). Members of the public need to make appointments to inspect the updated Register, as information is not given by telephone

**E. Declaration of Members' Interests**

On 19 July the House **resolved** to amend the Resolution of 12 June 1975 relating to Members' Interests (Declaration) (no. 2) to leave out the words "The giving of any written notice or"

The text of the 1975 Resolution now reads as follows:

- (i) any interest declared in a copy of the Register of Members' Interests shall be regarded as sufficient disclosure for the purpose of taking part in any Division of the House or in any of its committees.
- (ii) The term 'proceeding' shall be deemed not to include the asking of a supplementary Question.

This 1975 Resolution qualified the earlier Resolution of May 22 1974 (Members Interests (Declaration) (No. 1) which stated "in any debate or proceedings of the House or its committees, or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit that he may have had, or may be expected to have". This Resolution remains in force.

The effect of the amendment is to require Members, when tabling Questions, written or oral, and amendments to Bills, whether in committee or at report, and when adding their names to an EDM or amendment to it, and when tabling any other motions or amendments or adding names to indicate a relevant interest. The First Report of the Select Committee on Members' Interests so recommended at para. 59, and proposed the use of symbols to indicate a relevant interest along the lines of the format now used for the sponsor of an EDM with a relevant interest. The Symbol [R] will be used.

The First Report suggested that the Table Office would provide a guidance note for Members to explain its exact effect (para. 60). This guidance note has now been produced.<sup>12</sup>

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<sup>12</sup> Declaration of Interests: New Rules 23/10/95

## IV Conduct of Members and paid advocacy

On 19 July the House **resolved** that it endorsed the need for an examination of the recommendations of the Nolan Committee relating to consultancies and disclosures in the Register of Members' Interests, and instructed the Select Committee on Standards in Public Life to conduct an examination and to bring forward proposals by the end of the 1994/95 Session.

The Committee's examination was published in its Second Report.<sup>13</sup> It rejected the Nolan Committee proposals on consultancies which had attempted to distinguish between single and multi-client consultancies and concluded that the actions of Members, rather than the type of clients should be the object of regulation (paras. 11-13). It proposed that the Rules of the House should now distinguish between paid advocacy in Parliament and paid advice. The Committee recommended building on the 1947 Resolution commended by the Nolan Committee so that it would indicate the specific kinds of Parliamentary action which ought not to be undertaken, for payment, on behalf of outside bodies, whether or not they formed the subject of a formal agreement (para. 17). The proposed amendments set out in para. 18 formed the text of the amendment subsequently agreed by the House. For Members' convenience the full text is set out below:

On 6 November 1995 the House resolved as follows:

*Resolved*, That the Resolution of the House of 15th July 1947 relating to Privileges shall be amended by adding at the end the words—

'and that in particular no Member of the House shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received is receiving or expects to receive—

- (i) advocate or initiate any cause or matter on behalf of any outside body or individual, or
- (ii) urge any other Member of either House of Parliament, including Ministers, to do so,

by means of any speech, Question, Motion, introduction of a Bill or amendment to a Motion or Bill'.

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<sup>13</sup> HC 816 Session 1994/95

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The amended 1947 Resolution therefore reads:

“That this House declares that it is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of a Member being to his constituents and to the country as a whole, rather than to any particular section thereof `and that in particular no Member of the House shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received is receiving or expects to receive—

- (i) advocate or initiate any cause or matter on behalf of any outside body or individual, or
- (ii) urge any other Member of either House of Parliament, including Ministers, to do so,

by means of any speech, Question, Motion, introduction of a Bill or amendment to a Motion or Bill'.

This Resolution is to be known as the Resolution of 6 November 1995 relating to the Conduct of Members.

The Second Report of the Select Committee into Standards in Public Life noted that the interpretation of the Resolution in particular circumstances would be a matter for the Select Committee on Standards and Privileges as advised by the Parliamentary Commissioner for Standards (para. 19). It did offer some preliminary guidance on the specific activities of speaking, (paras. 21-26) questions, motions, amendments to bills, introduction of bills (paras. 27-28) and voting (para. 29). Briefly, the Committee placed emphasis on the initiation of a debate or question, or motion or amendment or introduction of a Bill, rather than simple participation. For voting, no changes in the Rules of the House were considered, and voting was not to be included as a Parliamentary activity capable of constituting advocacy.

Further sections of the Report dealt with the definitions of "outside body" (para. 33) types of payment, including indirect benefits (para. 34) sponsorship of Members (para. 35) and application to a Member's family (para. 37).

## Delegations to Ministers

The 1947 Resolution as amended, deals with paid advocacy in Parliament. The Second Report had noted that it was already a strict rule under the Members' Interests (Declaration) No. 1) Resolution of the House of 22 May 1974 that a Member must disclose all relevant financial interests (both potential or actual) in any transactions or communications which Ministers or "servants of the Crown" (covering both departmental officials and staff of executive agencies). It had recommended that in addition any delegations to Ministers or officials introduced or accompanied by a Member with a relevant declarable interest be recorded in the Register alongside the initial declaration (para. 31).

On 6 November, however, the House **resolved** that "this House agrees with the recommendations in the Second Report from the Select Committee on Standards in Public Life (House of Commons Paper 1994-95 No. 816) relating to the cessation of paid advocacy (paragraph 54); and further that a Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest."

The text of the latter part of this Resolution stems from an unsuccessful amendment to para. 31 of the Second Report set out in the Minutes of Evidence pxx. Labour and Liberal Democrat Members of the Committee had wished to tighten the delegation recommendations. The recommendation of the Select Committee relating to the recording of delegations in the Register was not adopted by the House.

## V Employment Agreements

The Second Report from the Select Committee on Standards in Public Life had recommended that agreements relating to the provision of Parliamentary services be put in writing and deposited with the Parliamentary Commissioner for Standards to ensure both that they were within the rules and that the ban on advocacy was effective. But it recommended against the public disclosure of the agreements and against the disclosure of the amounts of remuneration paid in respect of deposited agreements (paras. 43-49 HC 816). The House did, however, agree to disclosure to the public of both the written agreements and the level of remuneration in banded form in the subsequent debate.

On 6 November the House **resolved** that

- (1) with effect from Wednesday 15th November 1995, any member proposing to enter into an agreement which involves the provision of services in his capacity as a Member of Parliament shall conclude such an agreement only if it conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000—£5,000, £5,000—£10,000, and thereafter in bands of £5,000, shall be deposited with the Parliamentary Commissioner for Standards at the same time as it is registered in the Register of Members' Interests and made available for inspection by the public;
- (2) any Member who has an existing agreement involving the provision of services in his capacity as a Member of Parliament which conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members, but which is not in written form, shall take steps to put the agreement into written form; and no later than 31st March 1996 a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000—£5,000, £5,000—£10,000 and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members' Interests and made available for inspection by the public; and
- (3) any Member who has an existing agreement which does not conform to the Resolution of the House of 6th November 1995 relating to Conduct of Members shall, by 31st March 1996, either redraw the agreement so that it conforms to the said Resolution or withdraw from the agreement; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000—£5,000, £5,000—£10,000, and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members' Interests by that date and made available for inspection by the public.

The banding arrangements are taken from the Nolan recommendations.<sup>14</sup> The text of the Resolution in respect of public disclosure stems from an unsuccessful amendment to paras. 43-49 of the Second Report set out in Minutes of Evidence ppxx-xxi. Labour and Liberal Democrat members of the Committee had wanted public disclosure of income in bands.

The Second Report had recommended that new agreements entered into by Members should conform with the proposed amendment to the 1947 Resolution from the beginning of the 1995/96 Session, that existing agreements falling within the new rules be deposited in written form by 31 March 1996, and that existing agreements outside the new rules be redrawn or withdrawn from by 31 March 1996 (paras. 50-55). The Resolution of 6 November followed this recommended timetable.

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<sup>14</sup> Chapter 2 paras. 66-70 Cm 3850 Standards in Public Life

## Appendix : The texts of the Resolutions

For the convenience of Members the texts of all the relevant Resolutions passed on 19th July and 6th November 1995 are set out in full.

### 19th July 1995 Resolutions

Select Committee on Standards and Privileges, - *Resolved*, That, with effect from the beginning of the next Session, a new Select Committee on Standards and Privileges should be established to take over the existing functions of the Committee of Privileges and the Select Committee on Members' Interests and to consider complaints concerning Members' conduct referred to it by the Parliamentary Commissioner for Standards.

Code of Conduct, - *Resolved*, That this House endorses the principle of a Code of Conduct, and instructs the appropriate Select Committee to prepare such a draft Code for approval as soon as possible, taking into account the suggestions of the Nolan Committee and any relevant overseas analogues; and whilst restating its commitment to the objectives of the Resolution of the House of 15th July 1947 relating to privileges, accepts the need to review its wording in the context of the work to be undertaken on the draft Code.

Members' Interests (Declaration), - *Resolved*, That, with effect from the beginning of the next Session, the Resolution of the House of 12th June 1975 relating to Members' Interests (Declaration) (No. 2) be amended by leaving out the words "the giving of any written notice or".

*Resolved*, That this House endorses the need for an examination of the recommendations of the Nolan Committee relating to consultancies (including multi-client consultancies) and disclosures in the Register of Members' Interests; and instructs the Select Committee on Standards in Public Life to conduct such an examination and to seek to bring forward proposals on these matters by the end of the current Session.<sup>15</sup>

Standards in Public Life (General Recommendations, - *Resolved*, That this House agrees with the recommendations contained in the First Report from the Select Committee on Standards in Public Life (House of Commons Paper No. 637) relating to -

- (1) the principal duties of the Parliamentary Commissioner for Standards (paragraph 14);
- (2) the method of removal from office of the Commissioner (paragraph 23);
- (3) the preparation of amendments to Standing Orders relating to a Select Committee on Standards and Privileges (paragraph 40);
- (4) the preparation of a draft Code of Conduct (paragraph 47);
- (5) the preparation of guidance on registration and declaration of interests (paragraph 50);

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<sup>15</sup> Now superseded by 6th November resolutions.

(6) a review of the law relating to bribery of Members (paragraph 52); and

(7) updating, and improving the availability of, the Register of Members' Interests (paragraph 66).

## 6th November 1995 Resolutions

*Resolved*, That the Resolution of the House of 15th July 1947 relating to Privileges shall be amended by adding at the end the words -

'and that in particular no Member of the House shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received is receiving or expects to receive-

(i) advocate or initiate any cause or matter on behalf of any outside body or individual, or

(ii) urge any other Member of either House of Parliament, including Ministers, to do so,

by means of any speech, Question, Motion, introduction of a Bill or amendment to a Motion or Bill'.

*Resolved*, That -

(1) with effect from Wednesday 15th November 1995, any Member proposing to enter into an agreement which involves the provision of services in his capacity as a Member of Parliament shall conclude such an agreement only if it conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members; and a full copy of any such agreement including the fees or benefits payable in bands of : up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000, shall be deposited with the Parliamentary Commissioner for Standards at the same time as it is registered in the Register of Members' Interests and made available for inspection by the public;

(2) any Member who has an existing agreement involving the provision of services in his capacity as a Member of Parliament which conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members, but which is not in written form, shall take steps to put the agreement into written form; and no later than 31st March 1996 a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members' Interests and made available for inspection by the public; and

(3) any Member who has an existing agreement which does not conform to the Resolution of the House of 6th November 1995 relating to Conduct of Members' shall, by 31st March 1996, either redraw the agreement so that it conforms to the said Resolution or withdraw from the agreement; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members' Interests by that date and made available for inspection by the public.

## Research Paper 95/118

*Resolved*, That this House agrees with the recommendations in the Second Report from the Select Committee on Standards in Public Life (House of Commons Paper No. 816) relating to the cessation of paid advocacy (paragraph 54); and further that a Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest.

Standards and Privileges, - *Ordered*, That -

- (1) Standing Order No. 128 (Select Committee on Members' Interests) be repealed;
- (2) Standing Order No. 121 (Committee of Privileges) be repealed when the Committee of Privileges shall have reported to the House in respect of the matters of the complaints referred to it; and
- (3) Standing Orders (Committee on Standards and Privileges) and (Parliamentary Commissioner for Standards) below be made.

*Standing Order (Committee on Standards and Privileges)*<sup>16</sup>

- (1) There shall be a select committee, called the Committee on Standards and Privileges -
  - (a) to consider specific matters relating to privileges referred to it by the House;
  - (b) to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; and to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; and
  - (c) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in any code of conduct to which the House has agreed and which have been drawn to the committee's attention by the Commissioner; and to recommend any modifications to such code of conduct as may from time to time appear to be necessary.
- (2) The committee shall consist of eleven Members, of whom five shall be a quorum.
- (3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.
- (4) The committee shall have power to appoint sub-committees consisting of no more than seven Members, of whom three shall be a quorum, and to refer to such sub-committees any of the matters referred to the committee; and shall appoint one such sub-committee to receive reports from the Commissioner relating to investigations into specific complaints.

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<sup>16</sup> Now Standing Order no. 121A

(5) The committee and any sub-committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

(6) The committee shall have power to order the attendance of any Member before the committee or any sub-committee and to require that specific documents or records in the possession of a Member relating to its enquiries, or to the enquiries of a sub-committee or of the Commissioner, be laid before the committee or any sub-committee.

(7) The committee shall have power to refuse to allow proceedings to which the strangers are admitted to be broadcast.

(8) Mr Attorney General, the Lord Advocate, Mr Solicitor General and Mr Solicitor General for Scotland, being Members of the House, may attend the committee or any sub-committee, may take part in deliberations, may receive committees or sub-committee papers and may give such other assistance to the committee or sub-committee as may be appropriate, but shall not vote or make any motion or move any amendment.

*Standing Order (Parliamentary Commissioner for Standards)<sup>17</sup>*

(1) There shall be an officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.

(2) The principal duties of the Commissioner shall be -

(a) to maintain the Register of Members' Interests and any other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards and Privileges or an appropriate sub-committee thereof;

(b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;

(c) to advise the Committee on Standards and Privileges, its sub-committees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;

(d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committees on Standards and Privileges or an appropriate sub-committee thereof; and

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<sup>17</sup> Now Standing Order no. 121B

## Research Paper 95/118

(e) to receive and, if he thinks fit, investigate specific complaints from Members and from members of the public in respect of -

(i) the registration or declaration of interests, or

(ii) other aspects of the propriety of a Members' conduct,

and to report to the Committee on Standards and Privileges or to an appropriate sub-committee thereof.

(3) The Commissioner may be dismissed by resolution of the House.

*Resolved*, That Sir Gordon Stanley Downey, KCB, be appointed Parliamentary Commissioner for Standards on the terms of the Report of the House of Commons Commission (HC 789), dated 30th October.

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**Research Paper 95/118**

**Section Code: HAS**

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