



## BRIEFING PAPER

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# Members and constituency etiquette

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## Summary

In the British parliamentary system one Member represents a single constituency, and conventions have developed so that one Member's relations with his or her constituents are very much a preserve other Members should not interfere with.

The conventions dealing with these matters are not the subject of formal parliamentary rules.

### Constituency casework

The general principle in relation to constituency casework was set out by Edmund Marshall, a former MP, in his 1982 book *Parliament and the Public*: "any citizen in the United Kingdom should first get in touch with his own constituency representative". He continued:

There is a convention, almost universally observed on all sides of the House of Commons, that Members deal with personal inquiries only from their own constituents.

There are nuances and some potential areas of overlap but Speaker Martin considered that "It is best to leave it to the good sense of Members to work out any problems between them".

Some issues might be more appropriately dealt with by local councillors or members of devolved legislatures, but a constituent can write to whichever representative he or she chooses.

Guidance for ministers on raising constituency matters can be found in the [Ministerial Code](#).

### Visiting other constituencies

By convention Members intending to visit another constituency, other than on a purely private or personal matter, should inform the relevant Member. Guidance has been given from the Chair and has been set out in [Rules of behaviour and courtesies in the House of Commons](#), issued by the Speaker and Deputy Speakers:

#### Courtesy to other Members

43. You should notify colleagues whenever:

- you intend to refer to them in the Chamber (other than making passing reference to what they have said on the public record)
- you table Questions which specifically affect colleagues' constituencies
- you intend to visit a colleague's constituency (except on purely private visits).

All reasonable efforts should be taken to notify the other Member, and failing to do so is regarded by colleagues as very discourteous.

Guidance for ministers on official visits can be found in the [Ministerial Code](#).

# 1. Introduction

Members of Parliament are bound by the *Code of Conduct for Members of Parliament* which is set out, together with the accompanying *Guide to the rules relating to the conduct of Members*, on the parliamentary website.<sup>1</sup> The detailed provisions of the Code are primarily concerned with Members' pecuniary interests and with ensuring that such interests are properly registered and declared. Beyond this, Members enjoy a good deal of latitude in deciding how they will carry out their various duties although there are conventions surrounding Members' dealings with their constituents.

The *Guide to the Rules* outlines the Parliamentary Commissioner for Standards' role in investigating allegations that Members have breached the *Code of Conduct*. The Commissioner's remit does not allow her to investigate complaints about:

- a) policy matters;
- b) a Member's views or opinions;
- c) a Member's handling of or decision about a case (whether or not anyone involved is a constituent of the Member);<sup>2</sup>

In the British parliamentary system one Member represents a single constituency, and conventions have developed so that one Member's relations with his or her constituents are very much a preserve other Members should not interfere with. In *How Parliament Works*, Robert Rogers and Rhodri Walters comment:

MPs are extremely careful to check that the person raising a problem is indeed their constituent and not that of a neighbouring member.<sup>3</sup>

The conventions dealing with these matters are not the subject of formal parliamentary rules, and Erskine May and the Standing Orders are silent on the point, save for the non-application of absolute privilege to constituency correspondence.<sup>4</sup>

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<sup>1</sup> House of Commons, [House of Commons Code of Conduct and Guide to Rules](#), [webpage]

<sup>2</sup> House of Commons, [The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members](#), 10 October 2019, HC 1882 2017-19, Guide to the Rules, chapter 4, para 21

<sup>3</sup> Robert Rogers and Rhodri Walters, *How Parliament Works*, 7th edition, 2015, p97

<sup>4</sup> Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 15.25](#). On this point, see also House of Commons Library Standard Note, [Parliamentary privilege and qualified privilege](#), SN/PC/2024

## 2. Casework

### 2.1 Parliamentary conventions

“The simple, general principle is that any citizen in the United Kingdom should first get in touch with his own constituency representative”.<sup>5</sup>

Edmund Marshall, formerly MP for Goole, so wrote in the fullest account, yet to appear, about the practicalities of a Member’s dealings with his constituents. He continued:

There is a convention, almost universally observed on all sides of the House of Commons, that Members deal with personal inquiries only from their own constituents.<sup>6</sup>

The corollary of this is that when a Member is contacted by someone who is not her or his own constituent, that person should be referred without delay to the constituency Member.<sup>7</sup>

In response to a point of order, on 4 March 2004, the Speaker set out the convention. He stressed the importance of individual Members in ensuring that the convention was adhered to:

**Mr. Speaker:** Order. I will answer the point of order. I am grateful to the hon. Gentleman for giving me notice of his point of order. There is a well understood convention in the House that unless otherwise agreed between the Members concerned the interests of electors should be represented only by the constituency Member. It is not possible, however, for me as Speaker to ensure that this convention is enforced at all times. It is best to leave it to the good sense of Members to work out any problems between them. I hope that this is of help to the hon. Gentleman.<sup>8</sup>

In response to a point of order, from Matthew Taylor in March 2009, Speaker Martin wished that “these disputes were not brought to me” but reiterated that “I do not expect any hon. Member of this House to take up cases other than those in their own constituency”:

... I only wish that Members would not interfere in other constituencies. I also wish that these disputes were not brought to me, but as this dispute has been brought to me, I say this: I do not expect any hon. Member of this House to take up cases other than those in their own constituency. It is wrong. Each individual Member of Parliament jealously guards the fact that their constituency, its boundary and all those within it are there to be looked after by them. I am a constituency MP in my own right, and I would not like it if someone took up cases in my constituency. I am not telling anybody off; I am just saying that everybody in this country has a constituency MP, and they should go to that constituency MP. If someone comes to a Member of Parliament in another constituency, the case should be forwarded to the local MP. That is clear, and it is common sense.<sup>9</sup>

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<sup>5</sup> Edmund Marshall, *Parliament and the Public*, 1982, p21

<sup>6</sup> *Ibid*, pp21-22

<sup>7</sup> House of Commons, [List of MPs](#), [insert postcode in the dialogue box to find an MP]

<sup>8</sup> HC Deb 4 March 2004 c1069

<sup>9</sup> HC Deb 17 March 2009

This is echoed on the *Working for an MP* website, which states:

There is an oft-quoted 'strict parliamentary protocol' that MPs do not pursue issues raised by or about constituents of other MPs. Our view on this has always been: *'In the absence of any very clear definition of this protocol, you should use common sense and refer any matter concerning someone who is not your constituent to his or her own MP.'*<sup>10</sup>

## 2.2 Difficulties with the convention

There are numerous difficulties with this convention, and Edmund Marshall detailed some of them but others have arisen more recently or Edmund Marshall's comments have been overtaken by events.

### Issue arises in a different constituency

Edmund Marshall commented that:

The practice of contacting one's own MP should be observed regardless of the problem to which the contact relates. I have known persons affected by problems at their place of work write about those problems to the MP whose constituency contains that workplace whereas they themselves lived in another constituency. Since MPs represent people rather than places, their inquiry should have been directed first to their own constituency Member. Similarly, inquiries about public services in some other constituency should be first directed by any complainant to his own MP, provided of course those services relate to some parliamentary responsibility. The MP may then wish to consult his colleague who represents the other constituency concerned, but it is entirely for him to decide whether to do so. On other occasions, a person may contact an MP, not for his current constituency, but for an area where he has lived for much of his life and still regards himself as part of the local community; in spite of these considerations, the MP will be correct to redirect the inquiry to the MP for the person's new constituency. When a particular MP is engaged in a campaign on an issue of general importance, an individual citizen living in another constituency may wish to write a letter of support to that MP; but it is always courteous to contact the local MP at the same time, soliciting his own support for the same cause.<sup>11</sup>

However, there may be occasions when the person from another constituency is contacting an MP on behalf of a constituent of the MP. Box 1 considers the example of a person exercising a power of attorney.

<sup>10</sup> Working for an MP, [Protocol clarified on representing constituents](#), 4 October 2012

<sup>11</sup> Edmund Marshall, *Parliament and the Public*, 1982, p22

**Box 1: Constituency cases raised by people who hold a power of attorney on behalf of others who live in a different constituency**

The Working for an MP (W4MP) website provided the following advice on casework from an individual who holds a power of attorney:

W4MP, nevertheless, feels clear that the person holding the power of attorney should contact the Member representing the constituency in which the person they act for lives.

However the views of Members can differ and, if there is disagreement between Members on who should take up the case, the 2004 advice of Speaker Martin is still your most useful guide: "It is best to leave it to the good sense of Members to work out any problems between them." Not easy, we agree, but it's part of your job to find a resolution. Good luck!

If the person contacting the Member had questions relating to the operation of power of attorney in general, then it would clearly be appropriate to contact their own Member of Parliament.<sup>12</sup>

## Cases involving people who do not appear on an electoral register

In 1982, Edmund Marshall provided the following advice for dealing with those whose names do not appear on the electoral register:

... Prisoners and British citizens abroad whose names do not appear on any electoral register, but who wish to contact an MP, should in general approach the Member for the constituency where their names last appeared on an electoral register.<sup>13</sup>

Since the publication of Edmund Marshall's book, legislation has been introduced to give certain British citizens living overseas the right to register to vote in parliamentary elections (see below). Those who apply appear on a separate register of overseas voters for the relevant area.

### Prisoners

There are no clear rules on which Members should represent prisoners. There are arguments for cases being accepted by either the Member representing the prisoner's last home address (as Edmund Marshall suggested) or the Member in whose constituency the prison is located. Clearly, prisoners will often be moved around a great deal from prison to prison, and if they are taking up their cases with a number of Members, or moving on before an issue is resolved, this could cause confusion. Referring cases back to the home address could be a way of simplifying the process. However, it is obviously perfectly proper for the Member in whose constituency the prison is situated to take an interest in the operation of that prison. Some Members take a very strong interest in their local prisons and regularly take up the cases of inmates. Much will depend on the circumstances of the case (for example, what it is that the prisoner is asking or complaining about and how long he or she likely to be at that particular prison), and, of course, on the wishes of the Members concerned.

The National Offender Management Service has confirmed in the past that it regularly deals both with the MP for the prisoner's home address

<sup>12</sup> W4MP, [Members and Constituency Etiquette – Vital Guide](#), Update October 2012

<sup>13</sup> Edmund Marshall, *Parliament and the Public*, 1982, p21

and the MP for the constituency in which the prison is situated, and is perfectly content to do so.<sup>14</sup>

Prison Service Instruction 49/2011 *Prisoner Communication Services* sets out the rules on handling prisoner's correspondence. The Instruction has been effective since 1 October 2011. The Instruction stated that correspondence between a prisoner and Members of Parliament (MP) or Members of Senedd Cymru/the Welsh Parliament, formerly the National Assembly for Wales (AM [now AS]), or Members of European Parliament (MEP), among others, was "subject to confidential handling arrangements".<sup>15</sup> These arrangements apply to correspondence with a Member acting "in a constituency capacity":

14.7 Correspondence between prisoners and their MP, AM and MEP must be treated as privileged but only where they are acting in a constituency capacity (not in a social capacity). This privilege does not extend to Members of the House of Lords, who have no constituency responsibilities, or to Local Councillors. All outgoing correspondence must be appropriately addressed i.e. to the particular Member at (i) the House of Commons, (ii) the National Assembly for Wales and (iii) the European Parliament and should also bear the prisoner's home or current (prison) address. All incoming correspondence should be written on and enclosed in officially recognised stationery and displaying an official identifying mark of the appropriate authority. However, if an MP, AM or MEP is writing to a prisoner in a purely social capacity, i.e. that individual is a personal friend or colleague, then the letter is not covered by this privilege and official stationery should not be used.<sup>16</sup>

### Box 2: The status of Prison Service Orders and Instructions

Prison Rules are made, in the form of a statutory instrument, which has to be laid before Parliament (but not approved by Parliament), under powers granted to the Secretary of State in the *Prison Act 1952*.

In *Prison Law*, Stephen Livingstone, Tim Owen and Alison MacDonald explained that "The broad canvas created by the *Prison Act 1952* and the Prison Rules is 'filled in' by a plethora of administrative guidance and directions. From January 1997 to 1 August 2009, these were contained in Prison Service Orders and Instructions". Since 1 August 2009, "all new instructions have been issued as either Prison Service Instructions, Probation Instructions or NOMS [National Offender Management Service] Agency Instructions. PSIs have a fixed expiry date and convey mandatory actions to prison establishments. PSOs, which were long-term mandatory instructions intended to last for an indefinite period, will remain in force until replaced".<sup>17</sup> They make the following comments on the legal standing of PSOs and PSIs:

Despite their greater formality, Prison Service Orders, Instructions and Standards enjoy no greater legal status than the previous system of Standing Orders and Circular Instructions. In other words they have no legal status whatsoever, despite the fact that they contain massive details relevant to the conduct of daily life in prison. Though several prison rules refer to the Secretary of State's power to make directions in regard to a particular matter, the directions themselves have no legislative authority and are never debated by Parliament. Rather like the circulars issued

<sup>14</sup> Personal communication, 15 December 2005

<sup>15</sup> HM Prison Service, [Prisoner Communication Services](#), Prison Service Instruction 49/2011, 1 October 2011 [updated November 2018], para 14.1

<sup>16</sup> *Ibid*, para 14.7

<sup>17</sup> Stephen Livingstone, Tim Owen and Alison MacDonald, *Prison Law*, Fifth Edition, 2015, paras 1.53-1.54

by various government departments responsible for town and country planning, they are no more than non-statutory guidance to those charged with managing the prison system.<sup>18</sup>

The *Prisons Handbook 2015* states the position as follows:

Members of Parliament and local Councillors, as elected representatives, are able to advise on a wide range of issues. Usually your home address determines your MP and councillors, but whilst in prison you may contact the constituency into which the prison falls.<sup>19</sup>

The question of who represents a prisoner is also addressed in the Prison Service Order on *Prisoners' Voting Rights*.<sup>20</sup> It sets out which prisoners are eligible to vote and then gives details of where they should be registered to vote:

1.4.1 Eligible prisoners may already be registered to vote at the home address where they would be living, were they not in custody: the routine annual canvass of electors held by Electoral Registration Officers (EROs), requires by law that the names of all people eligible to vote within every household and resident each year on 15 October, are disclosed.

1.4.2 An eligible prisoner already registered and wishing to vote, who is or expects to be in prison for six months or more, is advised to contact the relevant ERO to check that their registration is still valid. Other eligible prisoners already registered and wishing to vote, generally need take no action until an election is announced and then apply promptly for an absent vote (see Chapter 2 for absent voting instructions).

1.4.3 Eligible prisoners, if they have not already done so, may register to vote at the home address where they would be living, were they not in custody, during the annual voting canvass, on the form sent to households by EROs.<sup>21</sup>

### **British citizens living overseas**

British citizens living overseas are entitled to vote in UK Parliamentary elections for up to 15 years after leaving the UK.<sup>22</sup> They are not entitled to vote in UK local elections or elections to the devolved legislatures.

British citizens living in some EU countries are entitled to vote in local elections in those countries under reciprocal arrangements agreed following the UK's exit from the European Union.

The *Representation of the People Act 1985* extended the franchise to British citizens resident outside the United Kingdom and enabled them to register as 'overseas voters' in the constituency for which they were last registered. This was initially for a period of 5 years, later extended to 20 years by the *Representation of the People Act 1989*, and then

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<sup>18</sup> *Ibid*, para 1.55

<sup>19</sup> Mark Leech, *The Prisons Handbook 2015*, 17th edition, para 2.8.8, p670

<sup>20</sup> HM Prison Service, *Prisoners' Voting Rights*, Prison Service Order 4650, February 2001

<sup>21</sup> *Ibid*, paras 1.4.1-1.4.3

<sup>22</sup> Whilst the UK was a member of the European Union, British citizens living overseas could also vote in European Parliamentary elections, for up to 15 years

reduced to 15 years by the *Political Parties, Elections and Referendums Act 2000*.

Overseas voters cannot register to vote if they have never been registered as a voter in the UK. If a person left the UK before they were 18 they can be registered as an overseas voter using the parent or guardian's former UK address provided that they left the UK no more than 15 years ago.

Since 2015, it has been Government policy to remove the 15-year limit and to allow all British citizens overseas to register to vote, regardless of whether they had previously registered or not.<sup>23</sup>

Armed forces personnel and Crown servants (and their spouses or civil partners) serving overseas have different provisions for registering to vote.

Details for each type of voter are available on the Government's online registration service:

- [Overseas voters](#);
- [Armed forces personnel](#);
- [Crown servants and British Council employees](#).

Edmund Marshall's advice is still pertinent: British citizens abroad, whether they are eligible to be on the electoral register or not, "who wish to contact an MP, should in general approach the Member for the constituency where their names last appeared on an electoral register".<sup>24</sup>

## Boundary changes

Boundary changes can also give rise to conflict of interests, even between Members of the same party, on who should represent particular constituents, as the political parties begin to make preparations for new boundaries when they are announced, although the changes are not formally implemented until the subsequent General Election. In the meantime the Member for the existing constituency should continue to deal with constituents' inquiries, as the following Speaker's ruling makes clear:

**Mr. Bryan Davies (Oldham, Central and Royton):** On a point of order, Madam Speaker. I want to raise a gross breach of the conventions of the House and of the way in which we seek to represent our constituents. I have told the hon. Member for Littleborough and Saddleworth (Mr. Davies) that I would raise the matter. I am sorry that he is not in his place.

I have received several complaints from my constituents that personalised letters have been sent to many of them above the signature of the hon. Member for Littleborough and Saddleworth. In addition to containing tendentious Liberal Democrat propaganda, they include a leaflet entitled, "For Help and Advice". Underneath is a photograph and the words, "Chris Davies MP". There was also a questionnaire on local and national matters. A freepost envelope is enclosed with the address "Chris

<sup>23</sup> House of Commons Library Briefing Paper, [Overseas voters, SN05923](#), accessed 26 June 2020

<sup>24</sup> Edmund Marshall, *Parliament and the Public*, 1982, p21

Davies MP", in which the questionnaire can be returned. If the questionnaire is returned, the hon. Gentleman writes to the individual, my constituent, who has corresponded with him. I consider that to be the grossest interference with the rights of my constituents and with my rights as their elected representative.

My constituents are clearly being misled, because the hon. Member for Littleborough and Saddleworth is not their representative and cannot carry out actions in the House on their behalf, as suggested by the material. I ask for your guidance, Madam Speaker, on how I may make progress in ensuring that that activity ceases and that the conventions of the House are upheld.

**Mr. Robert Sheldon (Ashton-under-Lyne):** Further to that point of order, Madam Speaker. Several hon. Members will be suffering from that problem because of the redistribution of constituency boundaries. I am in a similar position, because my hon. Friend the Member for Oldham, West (Mr. Meacher) represents an area that is due to become part of the constituency for which I expect to stand. I have been scrupulous in not contacting his constituents and have referred letters to him because he is the Member of Parliament. I am surprised that the hon. Member for Littleborough and Saddleworth (Mr. Davies) did not pursue the same course.

[...]

**Madam Speaker:** The House will know that I have often given guidance on these matters. Of course, I deprecate the activities of any Member who interferes in such a way in another's constituency. The hon. Member for Littleborough and Saddleworth (Mr. Davies) is a relatively new Member. Hon. Members should be mature and sensible enough to resolve such matters among themselves. I see that the Liberal Democrat Whip is in his place and has heard the exchanges. I am sure that he will use his good offices to ensure that there is no recurrence.<sup>25</sup>

Following the making of the *Parliamentary Constituencies (England) Order 2007*, the Speaker reiterated this ruling in his statement about the duties and responsibilities of Members of Parliament, at the beginning of the 2007-08 Session:

As Members, we are aware that the boundary commissioner is looking constantly at constituency boundaries. Hon. Members have a duty to look after the constituents who elected them. Those boundaries do not change until the next election, so we must obey the convention of not involving ourselves with another Member's constituency until that time.<sup>26</sup>

The Speaker made similar comments early in the 2008-09 Session;<sup>27</sup> and he also reinforced them during the course of the 2007-08 Session.<sup>28</sup>

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<sup>25</sup> HC Deb vol 272 22 February 1996 cc519-520

<sup>26</sup> HC Deb 6 November 2007 c2

<sup>27</sup> HC Deb 16 December 2008 c963

<sup>28</sup> for example, HC Deb 27 October 2008 cc565-566

## 2.3 Issues outside a Member's parliamentary responsibilities

A further difficulty occurs with matters which are outside a Member's parliamentary responsibilities. This is dealt with in House of Commons Brief Guide, *You and Your MP*, which states:

Many people think that their MP exists to solve all their problems for them: this is not the case. MPs are there to help only with those matters for which Parliament or central government is responsible. For many matters, the appropriate first step would be to contact your local councillor or representative in your devolved Assembly or Parliament.

Your MP is not there to help you in private disputes with neighbours, with an employer, with family matters or with companies who have sold you faulty goods; nor can they interfere with decisions made by courts.

However, constituents often take a problem to their MP because they do not know who else could help them (including on the topics mentioned above). MPs are very generous at giving help and advice and will often have a local councillor at their constituency surgeries to help those constituents whose problems are connected with the services provided by local authorities such as dustbins, housing repairs or social services.

Your MP will try to be as helpful as he or she can but, since he or she has, on average, around 90,000 constituents to look after, and many Parliamentary duties to attend to, this will place limits on the amount of time which can be spent in the constituency. It is important that they spend their time dealing with problems they can have an impact on than queries that could be more effectively dealt with elsewhere. You should therefore try to address issues directly with the organisation involved before approaching your MP.<sup>29</sup>

### Councils

Probably the most usual instance occurs when the constituent is complaining about some difficulty which arises from the action or non-action of a local authority. Edmund Marshall says in this case, "he should refer that problem to the local councillor(s) for the ward in which he lives".<sup>30</sup> However, Members are sometimes reluctant to do this, especially if the councillors concerned are of a different political party from the Member. They are also sometimes reluctant to be thought of as "fobbing off" a constituent. On the other hand, it might be argued that MPs' already considerable workload of cases would be reduced if this convention were more often applied. There is also in many parts of the country a split (in some cases 3-way, into county, district, and parish/town council) of responsibilities, which may make onward reference difficult. Some Members routinely take a councillor with them to advice sessions or surgeries to facilitate this transfer.

<sup>29</sup> House of Commons, *You and Your MP*, Brief Guide, March 2013; see also, Robert Rogers and Rhodri Walters, *How Parliament Works*, 7th edition, 2015, pp94-100

<sup>30</sup> Edmund Marshall, *Parliament and the Public*, 1982, p16

## Legal and private disputes

The Member is sometimes asked to intervene in what is essentially a private dispute between neighbours, with an employer, or family matters. In these cases, it is generally best for the Member to remain detached. He or she may, after all represent both parties, and the Member's involvement should possibly be confined to providing information on where and how the constituent can further his or her case or get advice.

In a section of his book entitled "What MPs Cannot Do", Edmund Marshall writes:

On earlier pages we have noted that Ministers and MPs have no jurisdiction over the decisions of courts of law in the United Kingdom... the judicature of the United Kingdom is independent and subject, quite rightly, to no political interference. If a citizen is charged with a criminal offence and his case is due to go to court, or if he is involved in a civil case in the courts, he should turn for assistance only to a professional lawyer.<sup>31</sup>

More generally, Marshall cautions Members against intervening in private disputes between private parties:

From time to time an MP will receive complaints from constituent which relate essentially to private disputes between private parties. At its most local level, this may involve disputes between neighbours, for instance over the correct positioning of the garden fence dividing the land of two adjacent owner-occupiers. It is always to be hoped that such disputes can be resolved amicably and by the good sense of the parties concerned, but it is surprising that sometimes one of the parties will try to enlist the aid of his MP in such a dispute. Not only would the MP be politically unwise to get involved in such a matter, for he is after all the representative of both neighbours, but he has no right to interfere. If the parties cannot resolve the dispute themselves, they should seek legal advice and if necessary take the matter to court.<sup>32</sup>

## Devolved matters

Devolved matters are the responsibility of the Scottish Parliament, Senedd Cymru/the Welsh Parliament, and the Northern Ireland Assembly, and should properly be raised with a relevant MSP, MS, or MLA. There is, however, a certain amount of trimming round the edges, and an aggrieved person can of course write to whichever representative he or she chooses. The Scottish Parliament has produced a leaflet which outlines the roles of the different elected representatives in Scotland.<sup>33</sup>

There has been some friction between constituency and list Members in both Scotland and Wales over constituency etiquette and there was

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<sup>31</sup> Edmund Marshall MP, *Parliament and the Public*, 1982, p17

<sup>32</sup> Edmund Marshall MP, *Parliament and the Public*, 1982, p19

<sup>33</sup> Scottish Parliament, [MSPs, MPs, MEPs, councillors – who does what?](#), October 2014 [large print version last viewed on 24 June 2020]

some indication that a 'free market' for constituents was developing.<sup>34</sup> Section 7 of the *Government of Wales Act 2006* prohibited candidates from standing in both a regional list and a constituency at the same time, although party candidates were allowed to stand in a constituency and the same region by the *Wales Act 2014* (section 2). The Welsh Parliament's Standing Orders (No. 1.10<sup>35</sup>) require it to make a code or protocol, in accordance with section 36 (6) of the 2006 Act, about the different roles and responsibilities of constituency and regional Members. The *Code on Different Roles and Responsibilities of Constituency Members and Regional Members* is available via the National Assembly's website.<sup>36</sup> The Government have not proposed similar changes in Scotland. The Northern Ireland Assembly uses the Single Transferable Vote means of electing its Members: there five Members of the Legislative Assembly, from various parties, are elected in each constituency.<sup>37</sup>

The Cabinet Office has published guidance on handling correspondence from Members of the devolved legislatures, which is available online.<sup>38</sup>

## 2.4 Other issues

### Planning

On planning issues, Edmund Marshall contrasted the constraints on ministers with the relative freedom of MPs:

While any appeal is handled by well-established procedures, possibly involving public inquiries, and it is not proper for Ministers to be involved in those procedures until they receive final reports and recommendations from their own inspectors, an MP can always advise a constituent on how to go about making an appeal and may even wish to speak at any local public inquiry which is held to consider the appeal.<sup>39</sup>

Nevertheless, there are obvious drawbacks to becoming involved in matters which may pit one constituent against another. The authors of *How Parliament Works*, which is a highly regarded guide to Parliament written by clerks, wrote the following:

A new MP is always warned by colleagues not to take up planning cases; planning has its own machinery at both local and national level, and the applicants and the objectors are usually all constituents; to favour one is to disadvantage another.<sup>40</sup>

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<sup>34</sup> Welsh Affairs Committee, *Government White Paper: Better Governance for Wales*, 13 December 2005, HC 551 2005-06, Memorandum from Dr Jonathan Bradbury and Dr Meg Russell, paras 2.6-2.8, Ev 91,

<sup>35</sup> Formerly Standing Order No 1.13

<sup>36</sup> National Assembly for Wales, *Code on Different Roles and Responsibilities of Constituency Members and Regional Members*

<sup>37</sup> Until the 2017 Assembly election, there were six MLAs from each constituency

<sup>38</sup> Cabinet Office, *Handling Correspondence under Devolution*, Devolution Guidance Note No 2, November 2011

<sup>39</sup> Edmund Marshall, *Parliament and the public*, Macmillan, 1982, p12

<sup>40</sup> Robert Rogers and Rhodri Walters, *How Parliament Works*, 7th edition, 2015, p97

### 3. Raising matters relating to another constituency or Member in the Chamber

The Speaker has stated on several occasions that when issues relating to another constituency are to be raised, it is good practice for the Member concerned to inform the other Member(s) involved in advance.<sup>41</sup>

Similarly, if a Member intends to put down Questions relating to another's constituency, it is proper to give advance notice to the Member concerned, although the Speaker has ruled there was nothing in the House's rules to debar such a practice.<sup>42</sup>

It is obviously not possible to give such advance notification when speaking extempore, or when the Member had not intended to participate in a debate, or in replying to unforeseen interventions. In such cases, a *post-hoc* note to the sitting Member(s) would probably be an appropriate courtesy.

Another area is where Ministers intend to refer to other Members, often, though not necessarily always, in a constituency connection. The *Ministerial Code* (2019 edition) states:

Every effort must be made to ensure that where a former Minister or a Ministerial colleague and/or a fellow MP/Peer is mentioned in a statement or report which prompts a Ministerial statement, he or she is given as much notice as is reasonably possible.<sup>43</sup>

The July 2005 edition of the *Ministerial Code* added a further sentence to this advice:

... The current practice is that those concerned should be given a copy of the report on the morning of the announcement.<sup>44</sup>

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<sup>41</sup> See, e.g. HC Deb vol 349 10 May 2000 c841

<sup>42</sup> See HC Deb vol 367 26 April 2001 c474

<sup>43</sup> Cabinet Office, [Ministerial Code](#), August 2019, para 9.6

<sup>44</sup> Cabinet Office, [Ministerial Code – A Code of Ethics and Procedural Guidelines for Ministers](#), July 2005, para 7.4e

## 4. Visiting another constituency

The Speaker has on numerous occasions dealt with complaints from Members that another Member or a Minister has visited their constituency without prior notification. This is a practice successive Speakers have deprecated. In 1995, Speaker Boothroyd further stated that there was no question of *permission* requiring to be obtained; all that as necessary was for the other Member to be *informed*.<sup>45</sup>

Guidance from the Chair (Speaker or Deputy Speaker) on the convention that one Member should notify another Member if they intend to visit their constituency on anything other than a purely private or personal matter has been quite consistent over time. The convention applies to all Members and the Chair has confirmed that notice should be given in advance (prospective visits).

The guidance has been set out in *Rules of behaviour and courtesies in the House of Commons*, issued by the Speaker and Deputy Speakers:

### Courtesy to other Members

43. You should notify colleagues whenever:

- you intend to refer to them in the Chamber (other than making passing reference to what they have said on the public record)
- you table Questions which specifically affect colleagues' constituencies
- you intend to visit a colleague's constituency (except on purely private visits).

All reasonable efforts should be taken to notify the other Member, and failing to do so is regarded by colleagues as very discourteous.<sup>46</sup>

Speakers' comments on this issue from the 1990s until about 2005 all tended to emphasize the desirability of informing the sitting Member in *every* case, for example in November 2004 Speaker Martin made the following comments, when asked to "confirm that there is a long-standing courtesy and convention in the House whereby a Member of Parliament who intends to visit the constituency of another MP lets them know of their intention":

**Mr. Speaker:** We are all equal in this matter, and regardless of whether it is the Prime Minister, the Home Secretary or any other Cabinet Minister, the usual conventions must apply when they visit a constituency. I expect that convention to be abided by.<sup>47</sup>

In response to points of order in 2007, 2008 and 2009, the Speaker drew a distinction between both "ministerial business" and "official functions", and "party activities" in relation to constituency visits:

**Mr. Douglas Hogg (Sleaford and North Hykeham) (Con):** On a point of order, Mr. Speaker. My hon. Friend the Member for

<sup>45</sup> HC Deb vol 255 21 February 1995 c159

<sup>46</sup> House of Commons, [Rules of behaviour and courtesies in the House of Commons](#), issued by the Speaker and Deputy Speakers, November 2018, para 43 [intranet link]

<sup>47</sup> HC Deb 9 November 2004 c720; see also HC Deb 25 October 2007 c439

Wellingborough (Mr. Bone) raised with the Leader of the House the propriety of Ministers' notifying local MPs of visits. The Leader of the House quite correctly made it plain that, when a Minister goes to a constituency on ministerial business, he or she should notify the local Member. I understood her to suggest that Members of Parliament attending party functions were not under a duty to notify local Members. However, reaching back to when I first entered the House, my understanding is that whenever a Member goes to another Member's constituency on anything other than private business, they ought to notify the local Member. Can you assist us on this?

**Mr. Speaker:** A Minister going to another constituency on ministerial business has an obligation to notify the Member of Parliament concerned, and I do not expect the Member to receive that notification through an e-mail appearing in their system. That has been cropping up recently, but this should be done properly. However, I would say that a party activity is, in a sense, a private matter for a Minister. If a Minister is taking part in a party activity as a member of a political party, it is not necessary to inform the local Member of Parliament. We should not be over-sensitive when someone visits a constituency, but when they do so in their ministerial capacity, or when a Back Bencher goes to a constituency to carry out an official function such as an opening, they should notify the local Member of Parliament. I would not expect them to notify the Member about party activities.<sup>48</sup>

In April 2009, Speaker Martin indicated that notification was not required for private party political constituency meetings; but for any public engagement, "proper notice" and "proper courtesy" were important:

... if a Member of Parliament goes to a private constituency meeting—in another life, I used to be in the Labour party, so I know about these things—there is no need to notify the local MP. As for any public engagement—and I appeal to all Members of Parliament, as they have enough to do in their own constituencies without worrying about others—if Members believe that they have to go into another Member's constituency, proper notice is important. I do not expect an e-mail on the day of the visit—proper courtesy is all that we ask for.<sup>49</sup>

In responses to point of order on this matter, Speaker Bercow has said that:

... it is a convention and not a rule. The convention should be honoured. What I have said many times in response to protests from Members on both sides of the House, as the hon. Gentleman knows, is that the spirit of the convention should be observed. What that means is that a Member should give decent notice to the person whose constituency he or she is intending to visit, of the fact of that prospective visit.<sup>50</sup>

And that:

... there is a long-standing convention that Members notify each other in advance of what might be called public visits to each others' constituencies. That is certainly, therefore, an obligation

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<sup>48</sup> HC Deb 6 November 2008 cc371-372 (see also HC Deb 17 January 2007 c803

<sup>49</sup> HC Deb 28 April 2009 c716

<sup>50</sup> [HC Deb 24 February 2014 c200](#)

incumbent upon Ministers, a fact reflected in the content of the “Ministerial Code”.<sup>51</sup>

On 13 January 2020, the Speaker made a short statement reminding Members of the guidance:

**Mr Speaker:** I want to make a quick statement to remind Members who may not be aware that, when a Member visits another Member’s constituency, except on a purely private visit, they should take reasonable steps in advance to tell the Member in whose constituency the visit is taking place. The guidance also states that

“failing to do so is regarded by colleagues as very discourteous.”

I have had examples from both sides of the House. I just want to remind everybody that we ought to ensure that we give notice.<sup>52</sup>

Ministers visiting other Members’ constituencies are subject to guidance given in the *Ministerial Code*:

10.10 Ministers intending to make an official visit within the United Kingdom must inform in advance, and in good time, the MPs whose constituencies are to be included within the itinerary.

10.11 Similar courtesies should be extended when UK Ministers are visiting the constituencies of members of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

10.12 Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned.<sup>53</sup>

However, before recent times, this convention appears to have been slightly different. Dorothy Keefe, who compiled *Working for an MP* in the 1970s, stated:

When speaking in another Member’s constituency, a Member should write a note to the sitting Member (if they are of the same party) asking if he has any objection.... Ministers’ Private Offices should inform all Members...irrespective of party. There is a rather greyer area where shadow ministers are concerned, but it might be wiser, as a matter of courtesy, to inform Members of all parties when these visits are made.... There is no hard and fast rule concerning Members of opposing parties.<sup>54</sup>

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<sup>51</sup> [HC Deb 29 June 2015 c1227](#)

<sup>52</sup> [HC Deb 13 January 2020 c765](#)

<sup>53</sup> Cabinet Office, *Ministerial Code*, August 2019, paras 10.10-10.12

<sup>54</sup> D Keefe, *Working for an MP*, ed. of 1985, p17, and *ibid*, ed. D Inns, 1992, p21

## 5. Ministers raising constituency issues

The particular case of Ministers and their raising of own-constituency issues is also covered in the *Ministerial Code*:

6.4 Where Ministers have to take decisions within their departments which might have an impact on their own constituencies, they must take particular care to avoid any possible conflict of interest. Within departments, the Minister should advise their Permanent Secretary and, in the case of junior Ministers, their Secretary of State and Permanent Secretary of the interest and responsibilities should be arranged to avoid any conflict of interest.

6.5 Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister.

6.6 Ministers are advised to take particular care in cases relating to planning applications in their constituencies or other similar issues. In all such cases, it is important that they make clear that they are representing the views of their constituents, avoid criticism of Government policies and confine themselves to comments which could reasonably be made by those who are not Ministers. Once a decision has been announced, it should normally be accepted without question or criticism.

6.7 Particular care also needs to be taken over cases in which a Minister may have a personal interest or connection, for example because they concern family, friends or employees. If, exceptionally, a Minister wishes to raise questions about the handling of such a case they should advise their Permanent Secretary and write to the Minister responsible, as with constituency cases, but they should make clear their personal connection or interest. The responsible Minister should ensure that any enquiry is handled without special treatment.<sup>55</sup>

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<sup>55</sup> Cabinet Office, [Ministerial Code](#), August 2019, paras 6.4-6.7

## 6. Local precedence

Members of Parliament have no particular precedence.<sup>56</sup> Questions sometimes arise about precedence at civic and other functions, particularly in relation to a Member *vis-à-vis* the Lord-Lieutenant of a county and the mayor of a city or town, or the chairman of its council.

The general rules on this are that the Mayor has precedence over everyone but the Royal Family in his/her own civic premises, and, after the Lord-Lieutenant, anywhere else in the city or town.<sup>57</sup> This applies in respect of a Royal visit to a District, but is varied in the case of a Royal visit to a county, when the order of presentation to the Royal visitor provides that the chairman of the County Council should take precedence over district and borough council chairmen/mayors. Members of Parliament are then presented after these dignitaries, and the district chief executives, but before the Chief Constable.<sup>58</sup>

The holder of the mayoral office may, of course, *offer* primacy to a distinguished guest, including an MP, but that is a matter for the mayor or chairman involved. A Lord-Lieutenant, being the Queen's representative, has precedence, together with the High Sheriff, in his own county, including over the chairman of the county council.

There may also be a local protocol in operation to regulate local precedence,<sup>59</sup> and in some cases it is possible these may affect the precedence of the Member of Parliament.

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<sup>56</sup> Privy counsellors have precedence in general terms following peers' eldest sons and preceding the judiciary and baronets, but this is unlikely to have any local significance

<sup>57</sup> *Debrett's Correct Form*, 1999, p293

<sup>58</sup> Paul Millward, *Civic ceremonial*, 5th edition, 1998, p89, quoting Sovereign's ruling embodied in HO circular 63/1988

<sup>59</sup> *ibid*, see appendix 2-3 for examples (not, in these examples, affecting MPs)

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