

The Conflict of Interest Issue and
the British House of Commons:
A Practical Problem and a Conceptual Conundrum

by

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ABSTRACT

In 1974 the House of Commons agreed by Resolution to take the unprecedented step of introducing a Register of Members' Interests. It also converted the convention that a Member should declare any personal pecuniary interest relevant to any debate or proceeding into a rule of the House. These measures were designed to avoid actual or apparent conflict between a Member's private interests and his public duties as an MP.

The experience of the House in dealing with conflict of interest, and the problems of defining, identifying and regulating this phenomenon, have, hitherto, been discussed only peripherally in academic literature on Parliament. This study fills a lacuna in parliamentary research by systematically examining these issues and exploring some of the conceptual ambiguities involved. It first documents and discusses the way the House traditionally approached the problem prior to the 1974 Resolutions, and then considers whether recent developments in the regulation of Members' interests indicate a genuine departure from that approach. In so doing it provides a case-study of an important episode in recent parliamentary history.

It establishes that the House's approach towards conflict of interest derives as much from historical residues of 'elite political culture' as it does from contemporary pressures. It finds that the House has, in the absence of strong outside stimuli, been reluctant to take the initiative to regulate Members' interests, having preferred to rely on the honour of individual Members, and shows that recent changes are less fundamental than the apparent innovation of introducing the Register might suggest. It considers alternative methods of regulating Members' interests, and asks whether, in dealing with conflict of interest, the House should surrender its sole right, enshrined in parliamentary privilege, to regulate and to adjudicate upon the conduct of its own Members in their parliamentary capacity.

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S.A.W.
Jan 1982

INTRODUCTION

Why was the issue of conflict of interest in the House of Commons chosen as the subject for this study? In 1974 the House of Commons agreed to two Resolutions concerning registration and declaration of Members' outside financial interests. The first, passed in the face of considerable misgivings from traditionalist MPs, introduced a Register of such interests. The second converted what had previously been a convention of the House into a rule, that a Member should declare any personal pecuniary interest relevant to any debate or proceeding. The significance of the Register was recognised in the preface to the nineteenth edition of Erskine May's Parliamentary Practice, Parliament's procedural Bible, which noted its 'novelty and importance' and appended a description.

The appearance of Members' outside financial interests as a subject on the parliamentary agenda, and more particularly the acceptance by the House of the Resolutions, prompted this writer to ask two questions which form the backbone of this study. First, how has the House of Commons approached and dealt with conflict of interest among its own Membership? Secondly, did the 1974 Resolutions indicate a change in the House's recognition of, and approach towards, conflict of interest?

There has, it appears, been no previous research into this subject, so this study was conceived both in order to explore these specific issues and to fill a gap in the literature on the House of Commons.¹ Furthermore, its methodology attempts to overcome a fundamental cleavage prevalent in social and political science between normative and empirical analysis, and to avoid the shortcomings of much parliamentary research observed by Samuel Patterson, that:-

'... in the main the study of the House of Commons has not involved grappling with conceptual problems or developing and trying to answer disciplined research questions.'²

The two main research objectives can be summarised as follows:

- (a) To document and make broad observations of the way in which the House of Commons approaches and deals with the problem of conflict of interest among its own membership, both now and in the past.
- (b) To investigate whether the 'modern campaign' for a register of Members' interests, and the 1974 Resolutions concerning declaration and registration of Members' interests, indicated a genuine

change in the House's recognition of, and approach towards, the problem of conflict of interest; and if so, what?

The myriad of conceptual problems surrounding the phenomenon of conflict of interest which became apparent from a perusal of the literature prompted the inclusion of a third, subsidiary objective:-

- (c) To consider the conceptual problems and ambiguities involved in an analysis of conflict of interest of Members of Parliament, particularly the problem of determining the point at which a private interest gives rise to a situation of conflict of interest, and the point at which this conflict becomes redefined as corruption.

Although an historical chapter is included to show how present day rules and conventions in the area of Members' interests have evolved, the main time period analysed is 1968-1979. The opening date was chosen because the Select Committee on Members' Interests (Declaration) set up in that year marked a decisive move in the protracted though spasmodic debate over Members' financial interests, which resulted in the 1974 Resolutions and the eventual introduction of a Register of Members' Interests in 1975. The campaign leading up to the establishment of the Register, which must be set in the wider context of a parliamentary 'climate' of heightened self-criticism and reform, saw an increase in the articulation, both inside and outside Parliament, of the issues relating to Members' interests and thus provides a rich source of material for analysis. The termination date of 1979 provided scope for examining the operation of the Register in its early stages, and the May 1979 General Election was a convenient cut-off point. As specified in Chapter 2, the main sources of data were parliamentary documentation, key informant interviews, a random sample survey of MPs, Public Record Office archives and newspaper reports. Where appropriate, comparative data were used to throw light on the specifically British response by Members of Parliament in coming to grips with conflict of interest and parliamentary self-discipline.

This is an exploratory piece of research into an unchartered field and as such is not concerned with testing precise hypotheses. However, as Margaret Stacey points out:-

'An exploration into an area is bound to be based on some assumptions i.e. upon some theory and it is well to make these explicit, however abstract and distant from the phenomenon in question they may be.'³

The thesis thus deploys, explicitly and implicitly, several tentative presuppositions which provide a basis for systematic analysis and which are discussed, in the light of the research data, in Chapter 7.

The study is arranged in three sections. Part 1 is concerned with research design and provides the conceptual framework and methodological underpinnings for what follows. Part 2 presents the findings of the study. It comprises an historical review of the way in which the House of Commons has dealt with the problem of conflict of interest, traces the modern campaign for a register of interests and examines the working of the Register during the period 1975-1979. Part 3 contains conclusions and broader observations based upon these findings, both in terms of the specific research objectives under investigation (Chapter 7), and in terms of the problems and ambiguities associated with conflict of interest which became apparent during the study (Chapter 8).

PART 1

RESEARCH DESIGN

CHAPTER 1

STUDYING CONFLICT OF INTEREST IN THE HOUSE OF COMMONS

'The prior experience of England in defining and then in seeking a solution to the problem of conflict between the private interests of public servants and the public interest itself has acquired an historical significance easily appreciated today. In the United States, where both major Parties have been embarrassed by revelations touching the executive branch, some attention has been given to the bearing of the problem on the legislative branch as well. But... the experience of the House of Commons has not been traced.'

Barry McGill¹

McGill's observation in 1959 on the lack of serious systematic re-search into the issue of conflict of interest as experienced by the House of Commons is as apposite today as it was 20 years ago. It is only following the Poulson revelations in the early 1970s which impugned the conduct of Members of Parliament and other persons in public life, that attention has been directed to the study of this problem of parliamentary ethics. After seeking a provisional definition of conflict of interest and showing how this phenomenon has been considered only peripherally in the literature on Parliament, the main purpose of this chapter is to set out the approach to investigating the subject adopted by this study.

1. What is Conflict of Interest?

Robert Getz's study of conflict of interest in the United States Congress attempts to delimit the phenomenon by stating that:-

'Conflict of interest is only one of the many facets of "ethics in government". The term "conflict of interest" is limited in meaning; it denotes a situation in which an official's conduct of his office conflicts with his private economic affairs.'²

Clement Vose similarly reduces the conflict to two specific interests:-

'...one is the interest of the government official (and of the public) in the proper administration of his office; the other is the official's interest in his private economic affairs. A conflict of interest exists whenever these two interests clash, or appear to clash.'³

This statement also suggests that the concept is applicable not only to situations where a conflict actually exists, but also where it appears to exist.

Another refinement of the concept is that the official's 'interest' is frequently defined in narrow terms as a personal pecuniary interest

or a private economic interest. In a parliamentary context definitions such as the following have been advanced:-

'A conflict of interest denotes a situation in which a Member of Parliament has a personal or private pecuniary interest sufficient to influence, or appear to influence, the exercise of his public duties and responsibilities.'⁴

The arguments advanced for this narrow definition of interest on the part of the official usually rest on the practical grounds that it would be difficult to determine and regulate other rewards, psychological ones for example, which might influence an individual's action. This view is illustrated by James Kirby who, in explaining why the Association of the Bar of the City of New York singled out economic ties in its study of congressional ethics, endorsed the argument of a predecessor committee, that:-

'The simplest reason is that it is better to control whatever fraction of improper behaviour is attributable to economic motives than to control none. The second reason is that regulatory schemes can be written with reasonable particularity and enforced with moderate predictability; no one has yet devised a method for sorting out acquaintances, friends, relations, and lovers for the purposes of a rule permitting official dealings with some and not with others.'⁵

However, as argued in Chapter 8, the deceptive simplicity of these definitions based on a conflict between private interests and public duty should not obscure the fact that the term 'conflict of interest' is a magnet for conceptual problems. Robert J. Williams points to the problem of drawing a distinction between the official's private interests and his public duty. This distinction, apparent in organisation theory from Max Weber onwards, involves a 'depersonalisation of public office which is still as much an aspiration for the future or an echo of the past as an actuality in many societies'.⁶ It also implies a neat separation between the proper administration of the official's office and his interest in his private economic affairs, which is not always easy to operate in practice. Robert Getz highlights this problem when he asserts that a complicating factor in determining the scope of conflict of interest in the United States Congress (and one which has relevance for British government) is that:-

'...conflict of interest restraints are fashioned upon a dichotomy which has long ceased to be valid. The complex nature of an American government and society negates the assumption of a fairly neat separation between government and private life. The government - non-government dichotomy can be observed only in a few isolated sectors of activity. By far the greatest area is one with shades of grey between what is purely governmental and what is purely private'.⁷

These arguments devolve on one of the philosophical imponderables underlying this study. That is, whether man is basically altruistic and willing to sacrifice his own ends for the public interest or some other larger good, or whether the tendency of man is to take advantage of all available means to further his own privileges. Was Cornelius O'Leary correct in his conclusion, formed in the light of his study of the elimination of corrupt practices in British elections, that 'to attempt to divorce personal interests completely from political activity would be to strive after the unattainable'?⁸

A further set of problems derives from the ambiguous use of the term 'interests' in politics.⁹ Definitions of conflict of interest frequently incorporate some notion of the 'public interest' but the nature of this concept is usually ill-defined. Samuel Finer refers to the public interest as a 'social fiction', so-called because 'everybody agrees that it exists but nobody knows wherein it consists'.¹⁰ Professor George Jones casts doubt on whether a view of 'public interest' as something of substance apart from the clash of personal and group interests has relevance for present conditions. When reviewing Herbert Morrison's approach to the elimination of corruption in government he argues:-

'His quest for an objective public interest.. seems inappropriate in a political system which now emphasises pluralistic bargaining between groups as the way to uncover the public interest.'¹¹

Inevitably, the problem of a self-interested interpretation of 'public interest' exists. As observed by Disraeli:-

'... as in private life we are accustomed to associate the circle of our acquaintance with the phrase "the world", so in public I have invariably observed that "the people" of the politician is the circle of his interests.'¹²

Insight into this concept is sparse in the literature concerned with conflict of interest, but can be pursued in more general works on politics,¹³ and in literature which crosses the disciplinary boundary into philosophy.¹⁴ The lines of argument can be traced back to the classical works of Rousseau,¹⁵ Bentham¹⁶ and others.

When the concept of 'interests' is examined more specifically within the context of conflict of interest as it relates to elected officials, the ambiguity takes on extra dimensions. Here we have to consider the nature of the representative function of the Member and the unique character of legislative employment. A Member of Parliament is properly

subject to a number of influences, and a major problem with identifying and regulating conflict of interest in the House of Commons is deciding just where representation of interests threatens to cross the fine, some may say invisible, line into a potential conflict of interest situation. In an American context Getz recognises this problem and attempts to overcome it by drawing a distinction between 'conflict of interest' and 'conflict of interests'. Evoking a similar conception of 'public interest' to that advanced by Professor Jones he argues:-

'The Madisonian view that faction is inevitable has prevailed in the United States. Interests selfishly struggle to achieve their governmental goals, and legislators will represent functional and sectional desires in the name of 'public interest'. On the other hand, our society does not condone the practice of officials seeking to further their own interests. A "conflict of interests" is acceptable; a "conflict of interest" is not'.¹⁷

How useful this distinction is - both in abstract and operational terms - in the context of the British House of Commons is assessed in Chapter 8.

As Norton E. Long observes, conflict of interest not only shades off at one edge into representation of interests but also shades off at the other edge into corruption and theft.¹⁸ Here the problem arises that the terms 'conflict of interest' and 'corruption' are frequently confused. This confusion is unfortunately perpetuated in literature the intention of which, paradoxically, is to clarify what is meant by conflict of interest. This error is made by Clement Vose in his attempt to describe the etymology of the term 'conflict of interest':-

'In the nineteenth century, if an official resolved a clash between his personal advantage and public duty in favour of personal advantage it was called corruption, ... since then "corruption" has come to be associated with only the most odious and obvious forms of venality and self-service and the term "conflict of interest" was coined to cover less blatant cases.'¹⁹

Instead of clarifying the original concept, Vose introduces further confusion by seeming to imply that conflict of interest can be recognised as a weak form of the more emotive phenomenon of corruption.²⁰

Indiscriminate use of the two terms 'conflict of interest' and 'corruption' is evident in much of the recent work on conflict of interest, particularly in the spate of articles appearing in the wake of the Poulson affair. Further consideration of this problem forms part of the wider discussion presented in Chapter 8, but it is advanced here that the two terms are not synonymous, nor can the term conflict of interest be used to describe a weak form of corruption.

It is now evident that conflict of interest is a phenomenon which cannot easily be defined and identified. Following Max Weber's guidance that sociological concepts should be 'gradually composed' through empirical research and that the place for conceptual comprehension, if this is possible, can only be at the end of an inquiry,²¹ no attempt is made here to formulate a comprehensive definition of conflict of interest in the House of Commons. However, most research involves adopting one or more working definitions at least as a starting point. For this purpose this study adopts the short definition advanced by Getz, that conflict of interest 'denotes a situation in which an official's conduct of his office conflicts with his private economic affairs'.

Having established a working definition of conflict of interest, we can examine what contribution, if any, literature on Parliament has made to an understanding of the phenomenon in the House of Commons.

2. An Uncharted Issue in Parliamentary Literature?

Generally speaking, standard constitutional or historical works on Parliament written in the eighteenth and nineteenth centuries contain little explicit discussion of the issue of conflict of interest as we have provisionally defined it above.²² However, as is evident in Chapter 3, we must of course bear in mind that practices which would be classified as 'conflict of interest' by modern standards would not necessarily have been seen as such in the eighteenth and nineteenth centuries. Then, when dealing with the unreformed House of Commons prior to the Reform Act of 1832, commentators were more concerned with bribery and corruption at elections.²³ This tendency to subsume discussion of the pursuit of personal interest (as opposed to class interest, which has always been prominently discussed in the literature on representation, franchise reform etc.) under the subject of corruption at elections persisted well into the twentieth century.²⁴ In 1931 Sir Ivor Jennings took a more direct approach to the subject and included in his text on Parliament a chapter dealing with Members and their parties, constituencies and interests, where he explicitly, albeit briefly, alluded to the problem of separating public and private motives.²⁵ Following Jennings, several texts on Parliament written since the 1950s have touched on the subject of Members' interests and the potential problem of conflict of interest, though usually only providing one short chapter or reference within a chapter.²⁶ Perhaps the most useful contribution has

come from Professor P.G. Richards, who includes a chapter on Members and their interests in his works on the role of the backbench Member in the British House of Commons.²⁷

Although general texts on Parliament have paid scant regard to the conflict of interest issue, we should not disregard the contribution of two specific categories within the broad range of literature on Parliament to an understanding of conflict of interest in the House of Commons. First, there are those works such as Erskine May's Parliamentary Practice²⁸ and Sir Gilbert Campion's introduction to the procedure of the House of Commons,²⁹ which can be classified as 'manuals of parliamentary procedure' and which discuss conflict of interest in purely procedural terms. Although limited in scope, these manuals are invaluable to a charting of the conflict of interest issue in that they provide comprehensive documentation of the rules and conventions by which the House has attempted to regulate Members' financial interests.

Second, some references to conflict of interest can be found in literature discussing parliamentary privilege and contempt, the means by which the House regulates its Members in the area of financial interests. Older works covering parliamentary privilege, such as that by Sir William Anson,³⁰ subsume references to Members' personal interests under the discussion of corrupt practices at parliamentary elections, but more recent contributions in this area have made the link between the regulation of Members' interests and parliamentary privilege more tangible.³¹ Among these Sir Barnett Cocks, in his forward to Pachuri's study on the law of parliamentary privilege in the United Kingdom and India confirms the view of this writer that conflict of interest is a continuing problem which has been neglected:-

'Another aspect of parliamentary privilege which is of concern to many Commonwealth parliaments is the practice governing the declaration of interests by Members with which is bound up the influence of pressure groups... the proper declaration of interests is currently the subject of an inquiry by a Select Committee: and it is a continuing problem upon which little has been written till now.'³²

Bearing in mind the conceptual blurring between 'conflict of interest' and 'representation of interests', a third identifiable category of literature on Parliament which is relevant to an understanding of conflict of interest in the British House of Commons is that dealing with representation of interests in British Government. As argued both by Robert Getz³³

and Barry McGill³⁴ in their separate investigations of conflict of interest in elected assemblies, the identification of the phenomenon of conflict of interest rests largely on a prior conception of the proper function of the legislator. This has demonstrably changed over time as have theories of representation. Thus, as indicated in the historical review presented in Chapter 3, and as explored further in a contemporary context in Chapter 8, an understanding of the representative role of the legislator is a prerequisite for identifying what constitutes a conflict of interest. However, although there are several well researched texts dealing with representation of interests - particularly in eighteenth and nineteenth century British politics³⁵ - with few exceptions³⁶ the relevance of representation theory to an understanding of conflict of interest remains largely unexplored.

Not all the literature dealing with representation which has a potential bearing on the conflict of interest issue takes a philosophical approach. J.F. Ross specifically argues that:-

'I suggest that we need first and foremost to ascertain the facts of representation. Instead of starting with philosophical theories we should first look, with our eyes open, at these 602 men and women who are elected to represent us.'³⁷

He presents a socio-economic profile of Membership of the House of Commons which provides the data for a statistical and analytical study of parliamentary representation as it has functioned in the inter-war period in Great Britain. While he does not take up the issue of conflict of interest, the socio-economic data on MPs is useful in this context. Other valuable sources of reference for socio-economic data on MPs are the books on the House of Commons published by The Times after each General Election.³⁸ Similarly useful data is provided by more recent contributions to the literature on political representation and recruitment, notably the Nuffield election studies since 1945,³⁹ and most recently a study of the British MP by Colin Mellors.⁴⁰

Although the contribution of general parliamentary literature to an understanding of conflict of interest in the House of Commons has been tenuous, a small amount of material dealing directly with aspects of this problem emerged during the late 1950s and early 1960s. The Poulson affair in the early 1970s also provoked an upsurge in articles concerned with standards of conduct in government.

The major contribution in this area in the 1960s was provided by Andrew Roth, a Lobby journalist and author, and advocate of a register of

Members' interests. His private enterprise approach to the exposure of MPs' interests, begun in 1955, has resulted in a series of editions of The Business Background of MPs.⁴¹ Each edition contains a short commentary on a selection of events in the field of Members' interests - constructed mainly from Hansard debates and newspaper cuttings - which prefaces an alphabetical list of MPs and their business interests. This information on Members' interests was collated into tabular form in order to provide a profile of the House in terms of types of interests held by Members. However, Roth qualifies the value of such data:-

'One must... warn against taking statistics too literally or being worried about the discrepancies between ours and others'. MPs tend to be complicated people. Thus, a typical Conservative MP tends to have a bit of inherited money, qualify as a Barrister, pick up a couple of directorships in his father-in-law's firm and dabble in a farm for his country home. How do you classify him?'⁴²

Indeed, in an interview with the writer Roth admitted that the complexities and arbitrariness of classification had led him to doubt the use of statistics and to abandon his tabular presentation of information after the 1972 edition.

During the late 1950s and early 1960s a small number of case-studies appeared dealing with specific incidents of alleged conflict of interest, such as the Marconi affair in 1913,⁴³ but on the whole these tend to be descriptive accounts which contribute little to a systematic study of the problem. Three articles dealing directly, albeit briefly, with aspects of conflict of interest in the House also appeared during this period. In his article concerning money and Party politics in England⁴⁴ Frank Newman usefully presents extracts from Hansard, newspapers, etc. to substantiate his premise that money is by no means insignificant in terms of the activities of pressure groups and their associations with MPs. However, as with much parliamentary literature his article is heavily descriptive and lacks any attempt at conceptual analysis. This criticism also applies to the article by Barry McGill, which traces the conflict of interest issue and the British House of Commons between 1782-1914.⁴⁵ McGill does, however, provide a useful historical background to the contemporary issue of conflict of interest in the House.

The third article, written by Francis Noel-Baker MP warns of the 'spreading grey zone' of business influence in Parliament.⁴⁶ He acknowledges that the problem of business affiliations is not new, but predicts

that with the growth in public relations and advertising activity among MPs:-

'The door, in fact, is wide open for a new form of political corruption, and there is an uneasy feeling in Parliament and outside that its extent could be much greater than the known or published facts reveal.'⁴⁷

He concludes with a comment which, in the light of the Poulson affair, would seem to be prescient, that:-

'One hopes it will not require a major public scandal in British Politics to persuade Ministers to take a closer look at the dangerous problem of the 'grey zone' which has developed in the House of Commons.'⁴⁸

Many of the articles born of the Poulson affair touch on the subject of conflict of interest in the House of Commons, though usually in a journalistic or speculative way. The majority of the articles appeared in response to two official investigations in the area, namely the Redcliffe Maud Report on standards of conduct in local government and the Salmon Commission on standards of conduct in public life.⁴⁹ A common observation in these reviews concerns the importance of the Poulson affair in developing both public and official recognition of the possibility of conflict of interest with the risk of corruption in public life. This view is expressed most comprehensively by Michael Roberts, who argues that:-

'The Poulson affair was probably quite critical to the development of a public awareness of corruption in Britain today. If Poulson had remained a successful businessman and not gone bankrupt it is questionable whether some of the important developments 'post Poulson' could have occurred. I am thinking particularly of the Report on Conduct in Local Government, itself, The Royal Commission on Standards of Conduct in Public Life, the Stock Exchange Regulatory body, the A.10 Department at New Scotland Yard, the Report from the Select Committee on Members' Interests.'⁵⁰

As observed above, a common fault of these articles, is their tendency to confuse, or at least fail to distinguish clearly between the terms conflict of interest and corruption; a discussion essentially of the former frequently being subsumed under the more emotionally charged heading of corruption.

A second group of articles stemming from the Poulson disclosures cluster more specifically around the campaign for a register of Members' financial interests. In the early 1970s the House of Commons Library had issued a Background Paper giving factual information on the financial interests of ministers and Members of Parliament,⁵¹ and in 1974 Rt. Hon.

Douglas Houghton (now Lord Houghton) published an article in The Parliamentarian based on this document.⁵² As the campaign for a register of interests gathered momentum, several other MPs contributed by way of articles to the debate,⁵³ and following the Report of the Select Committee on Members' Interests (Declaration) in 1975,⁵⁴ both the Chairman and the Clerk of that Committee published factual articles summarising the events leading up to and including the Select Committee.⁵⁵ Though providing much needed empirical data on the subject of Members' interests, these factual summaries provide little or no analytic insight into the problem of conflict of interest or the events leading up to the introduction of the Register. More helpful in this respect is the summary of the early stages of the campaign for a register provided by K.I. Vijay. He attempts to draw out the various ideological assumptions and positions within the debate, and lends support to the notion of the Poulson affair as a trigger to the demand for declaration and a public register.⁵⁶

A third clutch of articles arose from the involvement of MPs in the Poulson affair, which eventually led to a Select Committee of the House of Commons investigating the conduct of three of its Members.⁵⁷ The Clerk of this Committee produced a short factual account of some of the problems and procedures associated with the House's investigation of the private conduct of its Members.⁵⁸ Graham Zellick provided a more questioning approach to these issues in one article which sought to clarify the position of MPs who are imprisoned,⁵⁹ and two further articles concerned more specifically with the conduct of Members and their financial interests.⁶⁰ Zellick's views on what fate should befall an MP adjudged by his peers to be guilty of improper conduct are discussed in Chapter 7. It is sufficient here to note that his inquiries signal the incursion of academic comment into a previously unexplored area and question the House's jealously held exclusive right to self-discipline. Finally, a short article which coincides closely with the subject matter of this study appeared while this research was in progress. Using the Select Committee on Conduct of Members as a springboard, Alan Doig inquires into self-discipline and the House of Commons as it relates to Members' interests and expresses an argument similar to that which guided the writer in determining the scope and content of this study:-

'The problems of self-discipline go deeper than the response of individual parliaments... because there is no one specific set of rules or procedures to cover allegations of misconduct or conflict of interest against Members. To understand the problems, therefore,

it is necessary to take into account all aspects - the law of Parliament, rules and customs on disclosure of interests, the variations in attitudes to Members' outside interests, the choice of method of inquiry, sanctions and so on - that may have a bearing on the determination and maintenance of standards.'⁶¹

It is now evident that the experience of the House of Commons in dealing with conflict of interest, and the problems of defining, identifying and regulating this phenomenon have been discussed only peripherally in academic literature on Parliament. What little literature has appeared on this subject has tended to be heavily descriptive with little conceptual analysis or theoretical content upon which to build. Samuel Patterson's general observation on literature concerning the House of Commons would seem to be particularly apposite here, that:-

'Although there are notable exceptions, in the main the study of the House of Commons has not involved grappling with conceptual problems or developing and trying to answer disciplined research questions.'⁶²

In order to avoid these shortcomings, and to accomplish a systematic study of conflict of interest as experienced by the House of Commons, the research questions which form the basis of this study are examined within the theoretical framework set out below.

3. Theoretical Framework

The emphasis on description in parliamentary literature and the lack of conceptual analysis or theoretical content is symptomatic of a fundamental cleavage in social and political science between normative and empirical analysis.⁶³ Too often normative theory is the prisoner of abstract ideas, remote from the actual workings of society that it could fruitfully be harnessed to explore. At the same time, as has been seen with much parliamentary literature, self-styled empiricists often limit the usefulness of their findings for such exploration by shying away from value analysis and proclaiming description as their ultimate goal. This study attempts to investigate the relationship between the interrelated variables of values, institutions and behaviour in society. There is a conscious affinity with Max Weber's prescription for the tasks of an empirical science although the study is not intended to be specifically Weberian in approach.⁶⁴ This means that the facts to be explored and interpreted include cultural values and ideas which shape both the objectives of the House in regulating conflict of interest, and the means by which this goal

is achieved. A brief consideration of Weber's recommendations clarifies some of the present research objectives and indicates some of the problems and questions which are likely to arise.

A basic theme in Weber's method is the conception of analysis primarily in terms of categories of 'ends' and 'means'. He believes, 'We desire something concretely either "for its own sake" or as a means of achieving something else which is more highly desired.'⁶⁵ The appropriateness of the means for achieving a given end he deems amenable to scientific analysis, but the task of an empirical science is not to provide binding norms and ideals from which directives for immediate practical activity can be derived. Rather, an empirical science can determine which means for the achievement of a proposed end is appropriate or inappropriate, and to this extent allows us to estimate the chances of attaining a certain end by certain available means. Furthermore, the consequences which the application of the means to be used would produce, in addition to those consequent upon the possible attainment of the proposed end can be determined. This provides the acting person or persons with the ability to weigh and compare the undesirable against the desirable consequences of his action - eg. to assess what the attainment of the desired end would 'cost' in terms of what Weber would call loss of other values.

This framework allows a more precise restatement of one of the major research objectives - the attempt to assess the appropriateness of the methods and procedures utilised by the House (eg. parliamentary privilege, disclosure rules, registration of interests, etc) for achieving the desired 'end'. However, defining the nature of the desired 'end' in itself constitutes a dimension of the research questions to be explored. Preliminary reading of select committee reports and parliamentary debates revealed at least two possible objectives on the part of politicians: first, to avoid actual conflict of interest; and second, to prevent the appearance of conflict of interest. These two goals may be related but the attainment of either one does not necessarily entail the achievement of the other. Furthermore, a fundamental question which Weber's prescription for empirical science provokes is whether the setting of the end itself is practically meaningful or meaningless with reference to existing conditions. This involves asking whether conflict of interest with the risk of corrupt activity can be avoided and public confidence in the House restored without making substantial changes in the existing conditions and procedures within which and by which the House operates.

In essence this boils down to a political question, and as stressed by Weber the task of empirical science is not to provide binding norms and ideals from which directives for immediate practical activity can be derived. However, research can attempt to explore and make more explicit the 'cost' of the various alternative methods of prevention and discipline available to the House of Commons in terms of the loss of other values such as, for example, privacy of the individual Member. Weber believes that the interpretation of cultural values does not overstep the boundaries of a science which strives for an 'analytical ordering of empirical reality'.⁶⁶ The empirical scientist can provide the person who has to make the choice between alternative courses of action with insight into the significance of the desired object by 'making explicit and developing in a logically consistent manner the "ideas" which actually do or which can underlie the concrete end',⁶⁷:-

'... the scientific treatment of value judgments may not only understand and empathically analyse the desired ends and the ideals which underlie them: it can also "judge" them critically... it can assist him (the acting, willing person) in becoming aware of the ultimate standards of value which he must presuppose in order to be logical. The elevation of these ultimate standards, which are manifested in concrete value judgments, to the level of explicitness is the utmost that the scientific treatment of value judgments can do without entering the realm of speculation.'⁶⁸

This study follows Weber in attributing a role to ideas in the development of social life. Heeding the warning against engaging in speculation, it will attempt to make explicit some of the values and ideas underlying and shaping not only the concrete objectives of the House in controlling conflicts and potential conflicts of interest, but also the means - eg. declaration and/or registration procedures - by which this goal is pursued.

Having acknowledged the influence of Weber's general prescription for the tasks of an empirical science in the formulation of the research problem, the inquiry can be located more specifically at the juncture of two approaches to the study of politics. First, it in part lies in the domain of elite theories. Second, it pursues a major premise of the political culture approach to politics, that the character and development of a political system or institution are conditioned by 'the system of empirical beliefs, expressive symbols, and values which defines the situation in which political action takes place.'⁶⁹

Elite theories: This study does not set as a specific objective an examination of the distribution of power and authority in society. As justifiably argued by Robert Putnam, the proposition that in any political system some actors have a more important role than others and deserve scrutiny does not necessarily entail verification of a second proposition, that these actors form a 'specifiable, unified, self-conscious and autonomous group in control of the political system'.⁷⁰ Neither does the possible falsification of the second proposition necessarily involve a falsification of the first. Therefore, although recognising the fact that elite theories present various theoretical and practical problems, the study accepts their general premise that political systems can usefully be conceived as stratified - 'that some people are much more interested, much more involved, much more influential in public affairs than their fellows',⁷¹ and form a political elite who 'observe certain values which should govern political activity'.⁷²

The focus of study are Members of Parliament who, although important members of the British political elite, are, of course, not its only members. Indeed, as acknowledged in Jean Blondel's notion of the 'establishment' in Britain, they share political power and initiative with a number of other institutions - Government, the Civil Service, and Party organisations to name but a few.⁷³ It may even be argued that the modern justification for including them at all in the category of the political elite is traditional and perhaps even emotional. As Richard Rose says:-

'Since its medieval foundation, Parliament has aroused emotional loyalties as well as performing efficient functions in government.'⁷⁴

Although in recent decades its efficient role has been increasingly called into question, it can be argued that its emotional role persists:-

'... the institution remains prominent as a chief symbol of government in the mass media, in formal teaching about government, and in conversation; M.P.s are much more visibly a part of government than are civil servants or pressure group officials. The only national elections are those for Members of Parliament. The presence of M.P.s provides symbolic assurance to voters that government is responsive and responsible to its subjects, although in practice the government (that is, the Cabinet) informally dominates Parliament.'⁷⁵

And it is not just the electorate's emotions that are important. Ministers, civil servants and pressure groups may also have sentimental attachments

to traditions of parliamentary power and importance - and such attachments may have a direct impact on the configuration of power in society and on the outcome of decisions. Further, although constrained by competing elites, Parliament, comprising both Houses, does still retain vestiges of its efficient function as the legally sovereign body.

The House of Commons includes both backbench Members and those who have had, or presently hold, Executive posts. However, rather than seeing this as an obstacle, the study, while primarily concerned with backbench Members, exploits the differences in categories of Members to compare and contrast the rules and conventions pertaining to Members' interests with the detailed code applicable only to ministers.

Much of the literature on the more general concept of 'political elites' provides insights for exploring the research problem. C. Wright Mills's 'power elite' model⁷⁶ suggests several lines of thought worth considering in a study of Members' interests. He defines the power elite as:-

'... composed of men whose positions enable them to transcend the ordinary environments of ordinary men and women; they are in positions to make decisions having major consequences. Whether they do or do not make such decisions is less important than the fact that they do occupy such pivotal positions: their failure to act, their failure to make decisions, is itself an act that is often of greater consequence than the decisions they do make. For they are in command of the major hierarchies and organisations of modern society. They rule the big corporations. They run the machinery of the state and claim its prerogatives. They direct the military establishment. They occupy the strategic command posts of the social structure, in which are now centred the effective means of the power and the wealth and the celebrity which they enjoy.'⁷⁷

A facile application of Mills's power-elite model to Great Britain is not advocated, but the model is valuable in raising at least one fundamental issue. This is the statement that the failure of the elite to act or make decisions is in itself often of greater importance than the decisions they do make. This belief underlies a school of thought that considers 'the proper object of investigation is not political activity but political inactivity.'⁷⁸ It finds expression in what Steven Lukes calls a 'two-dimensional' view of power.⁷⁹ This approach to power involves examining both decision-making and nondecision-making and assumes that all forms of political organisation have a bias in favour of the exploitation of some kinds of conflict and the suppression of others, because 'organisation is the mobilisation of bias'.⁸⁰ According to this argument some issues are organised into politics while others are organised out.

This belief prompts an exploration of whether the issue of conflict of interest among MPs has been organised into politics or organised out. If, as suspected, the issue - except for specific isolated incidents - has until recently been organised out of politics, it will be necessary to ask why this has been so. Guidance may be derived from Bachrach and Baratz who suggest the existence of:-

'... a set of predominant values, beliefs, rituals and institutional procedures ("rules of the game") that operate systematically and consistently to the benefit of certain persons and groups at the expense of others. Those who benefit are placed in a preferred position to defend and promote their vested interests.'⁸¹

However, for parliamentary research this observation is insufficient. As pointed out by Lukes,⁸² it gives the impression that decisions are choices which are consciously and intentionally made by individuals between alternatives. In fact, 'the bias of the system can be mobilised, recreated and reinforced in ways that are neither consciously chosen nor the intended result of particular individual choices.' Indeed, taking cognizance both of the privileged position of Parliament deriving from its historical origins as the High Court of Parliament, and the strength of parliamentary tradition, it should also be borne in mind that:-

'... the bias of the system is not sustained simply by a series of individually chosen acts, but also, most importantly, by the socially structured and culturally patterned behaviour of groups, and practices of institutions, which may indeed be manifested by individuals' inaction.'⁸³

Political culture: The second theoretical source to be tapped is that of political culture, which is 'the set of orientations concerning the political process (eg. ideologies, attitudes, beliefs) and their expression, as they are related to members of a political system'.⁸⁴ The particular form of political culture in any society does not exist outside or independently of individuals living together in society. It is a product of the historical experiences that have affected the political system and the results of political socialization processes experienced by members of the political system. One of the characteristics that has been attributed to a political elite is the observance of a set of politically relevant beliefs, values and habits which, for the purpose of this study, are grouped together under the rubric of 'elite political culture'.

The significance of the latter in conditioning the character and development of political systems and institutions is an underlying premise of this study. Stated more precisely, and bearing in mind the historical basis of culture, it is a presupposition of this study that the approach of Members of Parliament towards the problem of conflict of interest may derive as much from historical residues of elite political culture as from functional considerations and contemporary pressures.⁸⁵ This is because the components of behaviour are 'a function of both environmental situations in which actors find themselves and the psychological predispositions they bring to these situations'.⁸⁶ Attitude and situations can be seen as operating in a kind of push-pull relationship, '(t)he stronger the attitudinal press for a course of action, the less need for situational stimuli and vice versa.'⁸⁷ This view of behaviour need not, however, involve psychological explanation because, as pointed out by Percy Cohen, both sets of conditions governing behaviour (or social action) may be seen as given to the actor by society.⁸⁸ Thus, in addition to exploring the 'environmental factors' (on the assumption that Parliament does not operate in a vacuum) this inquiry examines the beliefs, values and habits of thought which have accumulated over time and which guide and inform Members' action and behaviour towards outside financial interests and more specifically the problem of conflict of interest.

This objective echoes Weber's contention that the interpretation of cultural values does not overstep the boundaries of empirical science. It should not however be interpreted as affording culture, or the narrower dimension of ideology,⁸⁹ an unqualified role as an independent variable in influencing social development. Although there is an intervening variable between people and objective situations - i.e. culture - any attempt to explain behaviour solely in terms of cultural values comes up against the problem of 'social inertia'.⁹⁰ Culture is not a static concept and has to be created anew in each generation. To take values or norms as a starting point in analysis, without considering the aspects of transmission and maintenance, overlooks the possibility that values do in fact alter in response to circumstance.

When discussing the cultural values or beliefs that parliamentarians accentuate (either explicitly or implicitly) when approaching the problem of conflict of interest we need to ask whether we are talking about the

House as an organic unity with a common ethos (if this is indeed possible or credible) or whether we are talking about a loose collectivity of individual Members with different and perhaps conflicting views.

Guidance can be found in W. Guttsman's study of the British political elite. He concludes that:-

'Parliamentary life itself becomes an educative and moderating influence. The mores of the House lessen antagonism. The great formal egalitarianism of the rules of the House, the privileges which the Member of Parliament enjoys, the deference shown to him by officials and servants of the House strengthen the individual's self-esteem, and do, no doubt, combat feelings of separateness'.⁹¹

Labour MPs are not immune from this ambience. Guttsman found that with the embourgeoisment of the Labour Party as it widened socially as well as numerically in the early 1920s and came to regard itself as a credible alternative Party of government, it would seem that with few exceptions 'Labour M.P.s submit like others to the tradition of the place, and succumb to the genius loci'.⁹² Once members of the House, MPs are sucked into parliamentary life and, as observed by David Marquand, '(p)arliaments are even better at indoctrinating their Members with the norms of the institution than are public schools or miners' lodges'.⁹³

With this in mind, a tentative assumption which will be examined is that, despite both intra- and inter-party differences on the issues surrounding Members' interests, there does tend to be a 'common denominator'. This takes the form of a traditional ethos which is both conservative and constitutional in character and which is apparent in the House's dogged insistence on retaining the privilege of regulating the conduct of its own Members. It is perhaps instructive to remember that this study is dealing with what is considered by Parliament and governments to be a 'House' issue rather than a 'party' issue, and one which concerns internal discipline of Members rather than the formulation of public policy. On such issues Parliaments and governments tend to be peculiarly introverted, with debate becoming submerged in issues of political ethics and parliamentary manners.

Nevertheless, the assumption of a common ethos does not mean that intra- and inter-party differences can or should be glossed over; nor does it imply that this ethos is a static concept or that it can be reified as a concept above and apart from the Members who create and partake of it. Indeed, one objective is to explore why and to what

extent the House's approach has changed in recent years towards the problem of conflict of interest among its own Members. This involves investigation of the changing balance of opinion on the subject within the House. Although this is not primarily a study of the attitudes of individuals, it does investigate aggregates of attitude as expressed in the major intra- and inter-party differences. Developing the proposition stated above concerning the importance of historical residues of elite political culture in shaping Members' behaviour, it is a premise of this study that these differences may stem largely from underlying predispositions on the part of Members towards certain fundamental values or beliefs (whether or not they are agreed among all the participating individuals) which are accentuated in the debate on Members' interests, and which have a common source as characteristics of a phenomenon in English culture often referred to as the 'gentleman ethic'.

The 'gentleman ethic'⁹⁴

'It is, as has been remarked before, hardly possible to overestimate the importance of the social structure of the House of Commons in developing and maintaining all the great qualities of the English parliamentary system. For hundreds of years the House of Commons has been a meeting place of gentlemen, and is so still, though it may, perhaps, have lost its claim to be what it used to be called, "the best club in London". Parliamentary behaviour, the conception of what is permissible in Parliament and what is not, has, even in the days of growing democracy, suffered little change of character. It has always been developed in harmony with the modes of thought of men who have possessed wealth, education and culture, who have raised themselves to high places in the free competition of professional life, or who have inherited the obligations of a great historic name; such men have been in one way or another brought into living connection with the tradition of the old aristocracy and have acquired from its Members the moderation and sense of responsibility, learned during generations of practice in parliamentary government, and indispensable to the maintenance of their pre-eminence.'

Joseph Redlich⁹⁵

The gentleman ethic or ideal has long persisted in English culture and is 'a composite product of medieval chivalry, of Renaissance humanism and of upward progress of the middle classes in British history'.⁹⁶ Though associated in the sixteenth century with noble birth and social rank, the gradual influence of merchants and bankers in noble circles during the sixteenth and seventeenth centuries shifted the criteria for being considered a 'gentleman' towards education and manners, so that the motto - 'Manners makyth man' - chosen by William of Wykeham in the fourteenth century when founding Winchester college, became, two hundred years later, the most apt description of a gentleman.

Much later, Thomas Arnold gathered together many of the facets of the gentleman ideal in the specific context of nineteenth century England and generated an ideal 'which imprinted itself upon the institution of the public school in such a way that it became an example for the grammar schools of England when they came into existence after 1902 when local education authorities were set up'.⁹⁷ The transmission and maintenance of the gentleman ethic in Victorian England can in fact be largely traced back to the vehicle of the public schools, which in training future politicians from the ranks of the aristocracy, did not simply transmit values but selected and reinforced the traditions accepted and cherished by the class which sent its children there. The public schools offered the best chance of rising to a position of political importance, and there were marked parallels between the values and mechanisms of a public school society and those of British Government. To borrow an image from Rupert Wilkinson,⁹⁸ the public schools provided, and do still provide a useful 'window' through which to view political and bureaucratic behaviour.

The public schools were themselves in a process of transition in the middle of the nineteenth century occasioned by the influx and gradual absorption of the middle class recruits into their ranks. However, whilst in the face of competition from other schools the public schools ceased to be the absolute leaders in educational thought, they maintained and strengthened their hold over British moral and social education, extending the example of the public school spirit to other educational institutions. In effect, the various facets of the gentleman ideal 'penetrated deeply into the moral consciousness of many different layers of English society' and are still 'a pattern and example for many people who would find it very difficult to define exactly what they meant'.⁹⁹

The appropriateness of the idea of the 'gentleman' as a working hypothesis in political research has been questioned by some writers, including Harold Laski,¹⁰⁰ who argue that it has become redundant. However, a presupposition of this study is that various facets of the gentleman ideal, such as honour, self-restraint, loyalty, mutual trust, the belief in politics as an amateur pursuit and the associated tradition of part-time membership of the House, do still provide 'a pattern and example' for MPs, although they themselves are unlikely to identify or describe their behaviour in these terms. As Ronald Fletcher has observed:-

'How many of us know the origins and many developments from cumulative contributions of generations of men in the immemorial past of our society of the games we play, the skills we use, the values

we stand by, the beliefs we adopt, the rituals we find meaningful and moving? It is on the face of it, a strange thing, that not one person, not one group, not one entire generation alive at any one time, can fully know the many dimensions of culture which are active in the ways of life they lead. Just as there are unforeseen consequences for the future of men's actions now, so there are unforeseen consequences from the past, active within them, which are equally important.'¹⁰¹

A belief in the persistence of the gentleman ideal among parliamentarians has led several commentators, frequently on the issue of the House's treatment of Members' interests, to draw an analogy between the characteristics displayed by the House and the workings of a Victorian Gentleman's Club.¹⁰² While it would be naive and too simplistic to assume that no change has occurred in the gentleman ethic since the nineteenth century, or that its various ingredients are present to the same extent or in the same combination in present day parliaments, these changes have to be set against what has already been identified as a strong traditional ethos, which displays many of the characteristics of the gentleman ethic, and is imbibed by succeeding generations of parliamentarians. The research method discussed in Chapter 2 - particularly the series of random sample interviews - provides scope for the identification of further values and beliefs which may be particularly relevant to an understanding of the research problem.

General hypotheses derived from other work: As stated in the introduction the exploratory nature of this research precludes the testing of precise hypotheses. However, even exploratory research requires some presuppositions for as Weber argues:-

'... a chaos of "existential Judgments" about countless individual events would be the only result of a serious attempt to analyse "without presuppositions".'¹⁰³

Literature outside the confines of the field of study provided two very general hypotheses which this writer found useful to explore in the specific context of the research problem.

The first of these derives largely from the work by V. Subramaniam on the relative status of specialists and generalists in British government, and states that historical residues are more important in determining present practices than functional considerations or immediate pressures.¹⁰⁴ This proposition, combined with the view that facts to be examined here include cultural values, prompted the first very general

working hypothesis which has already been developed above, that the approach of Members of Parliament towards the issue of conflict of interest may derive as much from historical residues of elite political culture as from a consideration of contemporary pressures.

The second working hypothesis derives from an application of the 'issue-attention cycle' model to the research problem, along with a general premise concerning the nature of privacy, secrecy and publicity in society advanced by Edward Shils. Shils asserts that the three principles of publicity, privacy and secrecy maintain an equilibrium in the tradition of liberal individualistic democracy, but are not harmonious among themselves. The balance in which they co-exist is elastic but 'can be severely disrupted... when the pressure for publicity becomes distrustful of privacy, resulting in a disequilibrium of this tripartite system'.¹⁰⁵ The consequence is that the 'respect for privacy gives way to an insistence on publicity, coupled with secrecy'.¹⁰⁶ In order to exploit the usefulness of this very general premise concerning the nature and elasticity of the tripartite system of privacy, publicity and secrecy for understanding the effect of incidents such as the Poulson case on the approach of the House to the problem of conflict of interest, Shils's proposition is here located in the context of an 'issue-attention cycle' model.

Variants of the 'issue-attention cycle' model have in the main been developed in a number of American studies concerned with environmental problems.¹⁰⁷ The potential usefulness of this model is also gradually being recognised in the more general field of social policy research, where it has been used to explore the 'emergence' or 'non-emergence' of issues on the political agenda, as opposed to the processing of issues that have already emerged.¹⁰⁸ In this context it has been linked with the concept, introduced above, of 'nondecision-making'.

The dynamics of the 'issue-attention cycle' model developed by Anthony Downs in his study of the way in which 'the environment' has become identified as a problem, consist of five stages. These reflect 'a systematic cycle of heightening public interest and then increasing boredom with major issues'.¹⁰⁹ Summarised, the sequence is as follows. The pre-problem stage, where the problem exists but has not captured public attention, is followed by 'alarmed discovery and euphoric enthusiasm' as a result of some dramatic series of events. This is followed by a gradual realisation of the 'cost' of solving the problem. Increasing recognition of this cost entails a decline in the intensity of

public interest in the problem. The 'issue that has been replaced at the centre of public concern moves into a prolonged limbo - a twilight realm of lesser attention of spasmodic recurrences of interest'.¹¹⁰

Applying this model more specifically to issues involving the reform of governmental operation or procedure, Francis Rourke gives a similar description of the cycle:-

'As a general rule the public is not greatly interested in such questions and is aroused from its indifference only when scandalous misconduct by an officeholder is suddenly revealed. Dramatic exposure of the wrongdoing usually does excite widespread public interest and, while it persists, the prospect for reform of the political process brightens if the wrongdoing can be linked to some basic defect in the system. But this support for change commonly recedes as the impact of the scandal wears off, and members of the public return to their customary private concerns.'¹¹¹

Underlying this proposition is the assumption, shared with Downs, that any reform is usually a transient phenomenon in a political system ordinarily resistant to change.

Both the above studies focus on American society and politics, but the 'issue-attention cycle' model developed therein has potential relevance for British politics. Embroidered with insights from Shils's work, a variant of the 'issue-attention cycle' model has been adopted as the second working hypotheses for this exploratory study. Briefly stated, and in ideal type form,¹¹² the operation of an 'issue-attention cycle' here is advanced as follows.

Generally, the public - and in this case, though perhaps for different reasons, Members of Parliament also - are not greatly interested in questions of reform of the House's internal operation or procedures. They are aroused from this indifference only by dramatic exposure of an event or series of events of wrongdoing.¹¹³ While the interest - inside and outside of the House - excited by the event persists, the prospects for some reform look hopeful. At this peak in the cycle the proposition forwarded by Edward Shils, concerning the relationship between the three principles of publicity, secrecy and privacy in society become relevant. While public anxiety is at a high, a disequilibrium between the three principles potentially creates a situation where the pressure for publicity gives rise to a distrust of privacy. A shift is required - real or apparent, temporary or permanent - towards publicity on the part of the House to restore both public and its own confidence in its image.

However, this shift towards publicity need not occur. Counterpoised as an obstacle to this movement towards publicity is the mutual trust and internal solidarity of the parliamentary elite, which 'is accompanied by a greater insensitivity to the sentiments of those outside'.¹¹⁴ This proposition may be helpful in explaining the apparent insularity and insensitivity of parliamentarians to outside sentiments regarding the problem (if they recognise its existence) of conflict of interest among their membership and demands for safeguards in this area. However, this is not to attribute the same ideological positions and assumptions to all Members of Parliament; intra- and inter-party differences, and possibly other factors as well, need to be included in the equation.

The tendency towards mutual trust and internal solidarity within the House, coupled both with its recognition of the 'cost' (in terms of values such as privacy etc.) attached to the various alternative methods of prevention and discipline available, and a decline in demands or support for action as the impact of the scandal wears off, militate against reform. The outcome, or final stage of the cycle, is more likely to be a gradual abatement of interest in the issue, with both the House and the public returning to their customary concerns.

Although for clarity of discussion these two working hypotheses are here presented separately, they are in fact inextricably entwined. In practice the stages of the 'issue-attention cycle' model, with its emphasis on contemporary events, cannot be considered in isolation from the beliefs, values and habits of the actors involved. As we have already stated, behaviour is a function of both environmental situations in which the actors find themselves and the psychological predispositions they bring to these situations.

CHAPTER 2
METHODS AND SOURCES

'As the initially vaguely defined problem is transformed into one with more precise meaning, frequent changes in the research procedure are necessary in order to provide for the gathering of data relevant to emerging hypotheses.'¹

The data for this study were gathered from a diversity of sources and by a variety of methods appropriate to the different stages in the research process. It was not initially planned to conduct a sample survey, but as Margaret Stacey advises, a sample survey may become appropriate 'to a subject where the broad outlines have already been discovered by other means and about which certain tentative hypotheses have already been formed'.² Such was the case with this study. From documentary sources and key informant interviews it was possible to construct the broad outlines of the subject, but it became apparent that some form of sample survey was necessary before any firmer conclusions could be drawn. This was particularly true of the information gathered with regard to Members' opinions in the area of Members' interests; information which dealt largely in the currency of beliefs and values rather than observable facts and which needed to be checked and supplemented by a series of random sample interviews of Members.

The raw data collected was of two main types: Firstly, parliamentary documentation on Members' interests, which consisted primarily of House of Commons Debates, Parliamentary Questions, Early Day Motions and Select Committee Reports; secondly, responses to both key informant interviews and a small random sample survey. This was supplemented by some archival material, derived chiefly from Public Record Office files, and facts and opinions on Members' interests culled from newspaper coverage of the issue. As it is difficult to separate discussion about sources or types of data from method of data collection without engaging in needless repetition, a more comprehensive description of the nature of data used is incorporated into the discussion of data collection presented below.

However, it is first prudent to make clear the guidelines which shaped decisions about what data was to be extracted from these various sources. These guidelines consisted of three variables central to the research objectives as set out in the introduction to this study:

Firstly, the extent of recognition and articulation of the subject of Members' interests and the potential problem of conflict of interest on the parliamentary agenda; secondly, the rules and conventions regulating Members' interests; and thirdly, the climate of opinion in the House regarding Members' interests and the potential problem of conflict of interest.

Information, deriving primarily from parliamentary documentation and interview responses, was gathered on the first variable in order to measure and explore the variation in the level of parliamentary activity on the issue of Members' interests, and more particularly conflict of interest. It was collected with two specific objectives in mind. Firstly, to see whether any patterns in the level of parliamentary activity emerged which might support and refine the working hypothesis proposed above, that the way in which the House approaches the regulation of Members' interests follows some kind of issue attention cycle. Secondly, to compare the level of parliamentary activity on the subject prior to the modern campaign for a register with that both during the campaign and after the resolutions of 1974 and 1975 had been agreed. The findings from this comparison contributed to establishing whether the modern campaign and the Resolution concerning declaration and registration of interest signified a change in Parliament's recognition of, and approach towards, the problem of conflict of interest. On the grounds that parliamentary activity does not occur in a vacuum, and that behaviour can be viewed as a function of both environmental situations and psychological predispositions, information was also extracted on environmental factors which may have influenced parliamentary activity on the issue of Members' interests. Of particular interest were those environmental situations which may have contributed to the emergence of the modern campaign for a register of interests and the eventual resolutions concerning declaration and registration of interests in 1974 and 1975.

Facts and opinions on the second variable were gathered for three main reasons. Firstly, to map out the rules and conventions which regulate Members' interests on the ground that one of the first steps of exploratory research is to provide adequate description. This description includes the origin of the rules, the way in which they operate and the sanctions for their abuse. Secondly, to examine the principle assumptions and underlying ideas that are embodied both in the House's

approach to regulating Members' interests and in the rules and conventions themselves, thereby exploring the working hypothesis suggested in Chapter 1, that the House's approach to regulating Members' interests is guided by historical residues of political culture. Thirdly, to investigate whether the rules established by the resolutions on declaration and registration of interests in 1974 and 1975 embodied different assumptions and indicated a different approach to the disclosure of Members' interests than the rules and conventions which existed prior to this time.

The third variable deals more specifically with the currency of beliefs and values and prompted the carrying out of the small random sample survey. Information on Members' views and opinions on the subject of Members' interests and conflict of interest was collected with the following specific objectives in mind. Firstly, to further explore the principle assumptions and underlying ideas which shape the House's approach to the issue. As with the information collected on the rules and conventions regulating Members' interests, this data facilitated exploration of the working hypothesis that the House's approach to Members' interests is guided by historical residues. Secondly, to identify intra- and inter-party differences in Members' views and opinions on the subject. Thirdly, to examine the nature and extent of any change in recent years in the way in which the House perceives and deals with the problem of conflict of interest among its own Members.

Sources and methods of data collection

By a combination of sources or methods of data collection described below, it proved possible to surmount the problems of data collection in the area of government so cogently described by Professor Ridley:-

'a major difficulty that faces students of government is the lack of information. This is especially true of Britain where so much public business is conducted in a secretive, club-like atmosphere that is now spreading from Whitehall and Westminster to the powerful pressure groups, especially the trade unions. So the gap is widening between the real world of politics and academic political scientists.'³

This methodological problem of restricted access is also a significant substantive ingredient in the research since the 'club-like' obstacles to access also go some way to explaining the House's own response to perceived problems of conflict of interest.

1. Written documentation

In addition to the literature reviewed in Chapter 1, the main sources of written documentation referred to were British government publications, archives and the Press.

British government publications: Both parliamentary and non-parliamentary publications were a major source of raw data. For a full list of items included in these two broad classes, the boundaries of which are indistinct, the reader is referred to the guide on government publications written by P. Ford and G. Ford.⁴ The most widely used House of Commons publications were Hansard, the Journal of the House of Commons, Reports of Select Committees⁵ and finally the Register of Members' Interests itself.⁶

Of these sources of parliamentary data, the most systematically analysed was Hansard, the Official Report of the House of Commons. Sessional and volume indexes of Hansard were carefully scanned for the period 1945 to May 1979, and all references under a selection of headings were card indexed, systematically consulted and their content noted. The subject headings were compiled by an incremental process. Initially the search centred on headings directly relevant to the subject. These basically consisted of bribery, corruption, corrupt practices, conduct, standards of conduct, honours, patronage, Members' interests, Members' interests (declaration), privilege, question of privilege and complaint of privilege. However, as the indexes were systematically searched other variations on these headings became apparent and necessitated the writer returning to earlier volumes to ensure these new headings had not been overlooked.⁷ This systematic search and resultant compilation of Hansard data, covering both Debates and Parliamentary Questions, revealed much about the way parliamentarians view and publically articulate the potential problem of conflict of interest.

Hansard also provided the basis for Division List analysis. Divisions on the motions and amendments to motions regarding declaration and registration of interests which were debated on 22 May 1974 and 12 June 1975 were analysed in order to explore intra- and inter-party differences on the subject.⁸ For the same purpose Early Day Motions⁹ relating to Members' interests and the conduct of Members, which were tabled during the modern campaign for the Register, were analysed.¹⁰

A broad criticism of Hansard as a data source in parliamentary research is that it is a dispassionate record of what is said in Parliament, and as such takes no account of the mood of the House or the context of events. As argued by Professor G.W. Jones:-

'... political scientists with their focus on the written word and on what is quantifiable, often neglect the mood, atmosphere and emotional feel of a situation. Hansard, a cold compilation of words spoken, is inadequate as a record of what happened in Parliament. It omits the flavour that needs to be captured from journalists reports and diaries.'¹¹

In an attempt to overcome this deficiency, although it can never be eliminated altogether, newspaper reports were used as described below, and where possible biographies, diaries and memoirs were referred to, remembering that these sources possess their own particular shortcomings in the form of potential bias and unrepresentativeness:

Archives: The main archival material consulted was that held by the Public Record Office. Due to the 30 year (or longer) retention of official documents under the Public Records Acts of 1958 and 1967, the value of this source of information was largely restricted to the provision of historical background material. The main categories of information which proved relevant to the subject were files of the Prime Minister's Office (PREM), the Cabinet Office (CAB) and the Home Office (HO).¹²

The Press: Newspaper reports are the main documentary basis for historical periods for which official archives are not open, and here they proved particularly helpful in mapping out the campaign for a register of Members' interests. This occurred during the 1960s and early 1970s, when Public Record Office material relevant to this period was closed. In order to reduce inaccuracy and distortion, reports of the same events by national newspapers of different views were compared,¹³ and as far as possible the details of the reports were checked with key informants (see below) who had participated in, or were familiar with, the events in question.

2. Key Informant Interviews

'Concentration on a few key informants may... help the investigator to acquire a better picture of the norms, attitudes, expectations of a particular group than he could obtain solely from less intensive observations or through conducting a greater number of less intensive interviews, by themselves. Naturally, it will often be preferable to combine the use of informants with other interviewing and with other methods of data collection.'¹⁴

This observation by Lewis Dexter in his study on elite and specialised interviewing provides a useful synopsis of the role of key informant interviewing in this study, with the qualification that here key informant interviews were used to inquire into facts as well as norms and attitudes etc.

In total 25 key informants were interviewed.¹⁵ Apart from a small number who were involved in local government, commercial or professional practice, pressure groups etc., these tended to be drawn from 4 main areas: the House of Commons Clerks, Members of the House of Commons, Members of the House of Lords, and civil servants from Government Departments.

The method of key informant interviewing performed a complementary role to the random sample survey described below. Used alone, random sample interviewing would not have been sufficient because, as explained by Sjoberg and Nett, '... the process of institutionalization within large-scale systems induces an unequal distribution of rights and privileges - and consequently of knowledge.'¹⁶ Persons of supposedly equal rank - in this case MPs - may possess different kinds and amounts of information. Also, some people - for example, Leaders of the House, Chairmen of Select Committees, etc. - because of their occupation of a variety of roles in the House are able to perceive its operation through a variety of lenses which gives them a unique perspective on Parliament. To have relied on random sample interviewing would almost inevitably have excluded from the sample persons with special or strategic knowledge of the subject in hand.

To overcome this problem 'experts' were interviewed who were known to possess such knowledge. As each person may have possessed a partial or biased view of the subjects a number of informants were selected and their interpretations of events checked one against another. Any person, issues or events that did not 'exist' for any one informant were considered as a possible source of bias in his report. In some cases this potential bias may have derived from forgetfulness. Informants were often asked to recall events which had taken place at least 10 years ago and it was sometimes noticeable either that the informant had difficulty in recalling the sequence of events, or that his oral account differed from any recorded comments (in parliamentary publications, newspapers, etc.) he may have made at or about the time of the events in question. Where possible both documentary and interview material on the same events were collected and compared.

The interviews were conducted between April 1978 and April 1980 inclusive. Their average length was 1 1/4 hours. Most of those who were contacted agreed to be interviewed. The small number of outright refusals or non-response came mainly from Conservative MPs who now held ministerial office and a few MPs who gave lack of time as the reason for their refusal (some of these did however provide valuable information in the course of lengthy correspondence or telephone conversations). Although small, this non-response may have led to some events being underemphasised because less information was collected on them.

The interviews were 'focussed', in that specific topics or questions were intended to be covered, but open-ended questions were often used. This method proved useful where experiences, feelings or motives were involved and where the lack of comparability of one interview with the next did not present insuperable problems.

3. The Random Sample Survey

This was not the keystone of the project but emerged as a necessary adjunct to the extensive documentary research and key informant interviewing that had gone before. For this reason, and because of shortage of time, it was decided to accept the problems of analysis and generalisability associated with samples of less than 50, and to restrict the survey to 30 Members; roughly a 5% sample of the House of Commons. In justification of this decision, it can be argued that the risks of unreliability encountered in generalising back to the parent population from a small sample are perhaps less when you are dealing with a known, finite population such as the 635 Members of the House of Commons, than when you are drawing a small sample from a population of unknown size and characteristics. The method of random sampling was adopted for the survey.¹⁷ As a statement of the sampling procedure is set out in Appendix 1, along with a copy of the interview schedule used and the introductory letter sent to MPs, only a brief description of the method is presented here.

The House of Commons is a well documented and known quantity from which to draw a sample. A factor which created sampling problems for this study was the calling of a general election in May 1979, precisely at the time when the sample was being drawn. As a large part of the research data was concerned with the campaign for a register of Members'

interests, a decision had already been taken that the sample should reflect the composition and climate of opinion in the House in 1974, the year when the House agreed to the motion to introduce the Register. If the general election had not occurred the majority of MPs who had been sitting in the House in 1974 would still have been there. However, at the May election 61 Members took the opportunity to retire from the House, many lost their seats and an influx of new Members entered the House. It was decided that the most appropriate sampling frame would consist of those MPs who had been in the House at the time of the 1974 motion and who were still Members in 1979. This sampling frame did, however, carry the risk of some bias associated with the group of MPs who retired from Parliament (many of whom tended to be of the older generation of MPs aged 60 and above) or those who lost their seats in the May 1979 general election. With regard to the latter group it is likely that there may have been some bias in the sample in favour of safe-seats as against say Labour marginals.

To increase the precision of the sample as a reflection of the climate of opinion of the House in 1974 the sample was stratified according to voting behaviour in the Division on the motion to establish a Register of Members' Interests (Div. 31 of 22 May 1974). It was felt that voting behaviour (or abstention) in this Division would give some indication, subject to qualifications which will be discussed in subsequent chapters, of a Member's position on the general issue of Members' interests, and more specifically, the Register. Although this technique increased the chances of creating a representative cross-section of opinion in the House, the warning given by one Conservative MP interviewed serves as a necessary reminder of one of the main problems in trying to interview a representative sample of MPs. Commenting from the experience of variations in his own Party, particularly the differences between new Tories and the old guard, he stressed that MPs have such varied opinions (particularly on non-party issues) that it would be necessary to interview all 635 Members to get a true picture - and as he added, this would not be possible as some MPs make it a point of principle not to assist with any requests for assistance with research, regardless of the subject matter.

In contrast to the key informant interviews the series of random sample interviews did require a high degree of comparability and were

aimed to collect data for further systematic analysis. Therefore the method of structured interviewing was used incorporating a 'structured' or 'standardized' interview schedule.¹⁸ This ensured that questions were presented to respondents with exactly the same wording and in exactly the same order. However, a degree of flexibility was retained in the schedule by using a mixture of open-ended and closed questions. Closed questions tended to be used where the possible alternative replies were already known or where information collected in earlier stages of the research indicated clear categories of opinion on a subject, or dimensions of the problem which needed to be explored further. Referring back to the affinity in the orientation of this study acknowledged in Chapter 1 to Weber's prescription for the tasks of an empirical science, open-ended questions were particularly valuable in providing information about the respondent's own formulation of the issue of Members' interests, the factors which were salient for him and the ideas which underlay and shaped his action in this area. Primarily because of lack of time, but also because the small-scale survey was not the main or singular method of data collection, a full-scale pilot survey was not conducted. However, as explained in Appendix 1, several Members were drawn into the drafting stages of the schedule. Further, when coding the responses great care was taken to eliminate any questions which had been singled out as ambiguous by respondents or which seemed to produce unreliable replies.

MP's replies to an introductory letter asking for their assistance confirmed the researcher's assumption that they were inundated with requests for help with research. One MP went so far as to say, 'there has recently been an epidemic, almost amounting to a plague, of requests made by those who are carrying out researches into matters which touch and concern Members of Parliament'. Another MP demonstrated the type of resistance researchers are likely to meet by stressing that, 'all letters from researchers and all "animal" letters go straight into the bin'. What came through strongly from the replies was that MPs were more likely to react favourably to an 'articulate' letter which was personally typed rather than photocopied, and that persistence, in terms of follow up letters was often necessary to elicit agreement to an interview. The response rate for the sample as a whole was 57%. A detailed breakdown of this and the category of non-response is contained in Appendix 1.

The interviews were conducted during the 6 month period of June to November 1979. The average length of the random sample interviews was 55 minutes. Several interviews extended to 1½ hours, while a small number were limited to 30 minutes because of lack of time on the Member's part. Two potential problems associated with the interview programme deserve comment.

First, it seemed likely that a particular problem in interviewing MPs would be that of confidentiality. Members were assured at the outset that any information they gave would be in confidence unless they agreed otherwise. The majority of MPs were willing to have their help acknowledged, providing this acknowledgment was disassociated from any views stated in the study. Predictably most backbench MPs came over as less anxious about confidentiality than the Clerks of the House or Civil Servants included in the key informant interviews.

Second, the decision to record the interviews by shorthand instead of tape-recording them was justified. Several Members confirmed that because of the sensitivity of the subject of 'conflict of interest' they would be 'less frank' in their comments if they thought they were being tape recorded.

Data analysis

The data thus collected presented several different problems of classification and interpretation.

1. Documentation and key informant interviews

Data collected from written documentation and key informant interviewing tended to be unstructured and non-quantifiable, and gave rise to problems of classification. The principles of classification were derived from two sources. First, from the various questions concerning conflict of interest among Members of Parliament which constitute the research problems as set out in the introduction. Second, from the two working hypotheses suggested in Chapter 1 concerning, on the one hand, the assumption that the way in which Parliament approaches and deals with the potential problem of conflict of interest follows some kind of 'issue-attention cycle', and on the other hand, that the nature of this approach derives as much from historical residues as from functional considerations and contemporary pressures.

While analysis of Hansard data involved the problems associated with unstructured material, the systematic method of its collection provided the basis for statements regarding the number and party affiliation of MPs raising the issue of Members' interests in the House over a given period of time, the method by which it was raised and so on. As noted above, Hansard also provided the data for Division List analysis, which cast light on intra- and inter-party differences on the subject.

When analysing key informant responses it was necessary to guard against imposing on the House the views of the key informant. This problem existed whether the informant tended to be a 'conformist' who totally accepted the ideal norms of his group, rarely countenanced change and guarded against jeopardising his own status or that of his group, or whether he was a 'marginal man' whose peripheral position in relation to his peers made him more critical and reflective, but whose views and experiences could have been peculiarly idiosyncratic. Although a distinction is here drawn between the 'conformist' and the 'marginal man' it is more accurate to view these categories at either end of a continuum along which the informants were ranged.

Even though it was not possible to categorize every aspect of the raw (or non-quantifiable) data, the raw material was invariably useful both for purposes of illustration, and for stimulating new insights into the research problem by bringing neglected factors to the fore. An awareness of these aspects of the phenomenon that needed further study was helpful in gauging the limits to the generalizability of the findings from this study.

2. Random sample survey

In classifying the random sample interview material the principles for classification were more clearly prescribed than those for the relatively unstructured material derived from documentation and key informant interviewing. A structured questionnaire had been used and each question tended to provide a natural unit for categorization. It is not necessary to burden the present narrative with a detailed description of the category sets employed during the coding and recorded on the coding schedule. These are set out in detail in Appendix 2, which presents the interview response data in the form of a table of frequencies. Further explanation both of the problems encountered during coding and of the application of the coded data will emerge from subsequent discussion of the conclusions it generates.

PART 2

DISCLOSURE OF INTERESTS: THE ECLIPSE OF THE GENTLEMAN MP

CHAPTER 3

HISTORICAL BACKGROUND:

THE TRADITION OF THE 'HONOURABLE' MEMBER

A tradition of outside financial interests

In 1911 Mr Lloyd George, Chancellor of the Exchequer of the Liberal Government, moved a motion for the payment of Members on the basis that parliamentary work and conditions had changed since the nineteenth century and Members could no longer consider Parliament as an adjunct to a business or professional career.¹ The political demand for payment of Members had been advocated prior to this, for example by the Chartist Movement,² but had not been accepted by the House. Mr Lloyd George considered the introduction of payment would allow those to enter Parliament whose limited means would otherwise prevent their taking up a political career.

This measure, introduced by a Liberal government which had only narrowly won the two 1910 General Elections and which quickly became dependent on Labour and Irish Nationalist support to maintain its parliamentary majority, was designed to help in particular Labour MPs whose jobs could hardly be combined with service in the House of Commons. By providing for public salaries of £400 for MPs, it relieved the Labour Party of paying each of its MPs £200 a year out of the parliamentary fund, the main item of its central expenditure.³

Mr Lloyd George affirmed that the only principle of payment in the public service was that 'you should make an allowance to a man to enable him to maintain himself comfortably and honourably, but not luxuriously, during the time he is rendering service to the State',⁴ and stressed that the proposed payment to Members was just such a minimum allowance, not a recognition of magnitude of service. The Conservative party opposed the motion, mainly on the grounds that it violated the principle of gratuitous public service⁵ and that it would lead to the extinction of the independent, part-time Member. They feared the advent of a full-time House of Commons and questioned whether this was the intention of Mr Lloyd George's policy:

'Let the argument be carried to a logical conclusion. If we are going to have this House composed entirely of professional politicians, and if none of them are to be men engaged in any business of any kind, if they are all to devote as he argued, the whole of their time to the service of this House, let us understand whether this is the policy advocated by the Chancellor of the Exchequer...'.⁶

In the event the motion was passed on a Division, 256 votes to 158, and in the parliamentary session of 1911-1912 Members of the House of Commons became entitled to draw a salary of £400 a year.

However, the tradition of part-time service and the presumption of outside interests did not die with the introduction of official payment. Until the Boyle Report in 1971, which recommended MPs should be paid on a full-time basis,⁷ the fixing of the level of remuneration was largely influenced by two considerations, which were continually buttressed by recommendations and opinions of successive Select Committee on Expenses reports.⁸ First, many Members still believed membership was, and should be, part-time. Second, associated with this, many MPs still possessed outside sources of income. Consequently the salary level has, until recently, remained low relative to the necessary expenditure of MPs, and it can be argued that this in turn has reinforced the tendency for MPs to take on varieties of occupations in addition to their parliamentary duties.⁹

The possession of outside financial interests by Members of Parliament has a long established tradition. As early as the thirteenth century the representatives of the shires, cities, and boroughs were remunerated by their constituents for their attendance at Parliament, knights receiving four shillings a day and citizens and burgesses two shillings a day for the term of Parliament.¹⁰ However, during the Tudor period, this system of wages for Members was gradually undermined by the growing number of people who were attracted by the high prestige of a seat in Parliament. They were prepared to pledge to those who elected them they would defray their own expenses and forego their parliamentary wages.¹¹ Such agreements became increasingly common in the seventeenth century, and by a resolution of the House of Commons the payment of Members ceased in 1677. Membership of Parliament remained an unpaid occupation until 1912.

In the intervening period the tradition of the House of Commons as a meeting place of gentlemen became well entrenched.¹² This tradition encouraged the belief that Britain could be governed by gifted amateurs:

'... politics was regarded as an amateur pursuit, one which neither demanded a man's entire energies nor aroused so much partisanship as to interfere with the easy social relationship with men of the same class regardless of their politics.'¹³

The process of enthroning the amateur in government and administration was consolidated by what V. Subramaniam refers to as the 'two-step democratic evolution in Britain'.¹⁴ Though a complex process, the essence of this form of political and historical evolution was the wresting of power from the monarch by an enlightened aristocracy and landed gentry, who established a lay commonsense approach to matters of government and administration before the second stage of development - the enlargement and reform of the administrative structure - began in the mid-nineteenth century. Thus, 'the British lay tradition in politics and administration was so thoroughly entrenched before the growth of the administrative machine in the mid-nineteenth century that it could fashion the machine in keeping with its assumptions.'¹⁵

Belief in politics as an amateur pursuit was accompanied by the view that service in Parliament ought to be honorary and that Members of Parliament ought to be persons who could pay for the privilege and were of independent means. Members were presumed to live on their own resources and barriers existed to exclude from Parliament those without independent means. For example, by the middle of the eighteenth century enactments had been passed which established the principle that expenses at elections were chargeable on candidates,¹⁶ and in 1710 an Act was passed which imposed a property qualification for membership of the House; a knight of the shire had to possess an income of £600 a year derived from land, a borough representative an income of £300 a year from land.¹⁷ The theory behind the property qualifications was to preserve the dominance of the landed interests in Parliament. As the satirist Swift commented on the Tory reasons for pushing the measure through Parliament:-

'... they have taken care in their first session, by that noble bill of qualification, that future Parliaments should be composed of landed men, and our properties be no more at the mercy of those who have none themselves, or at least what is only transient or imaginary'.¹⁸

In view of our concern with the registration of Members' interests, it is interesting to note that an amending Act of 1760 required Members to swear their qualifications at the table of the House and to provide the Clerk with a signed schedule describing the property qualification.¹⁹ A further amending Act of 1838²⁰ allowed personal property as well as land to be considered in the assessment of income. Although, as shown

by Edward and Annie Porritt,²¹ the Act was frequently evaded by those presenting fictitious qualifications with regard to land or personal property, it was not repealed until 1858. Another factor favouring the entrenchment of the financially independent Member was the treating and bribery of individual electors in the boroughs, which flourished in the seventeenth century and persisted into the eighteenth century, and which made it virtually impossible for a candidate to enter an election unless he had ample means and was prepared to spend them.²²

Swift's confidence in the preservation of the landed interests was largely borne out in the social composition of Parliament prior to franchise reform in 1832. Although there were even in the eighteenth century Members who depended upon fees and salaries,²³ they were far outnumbered by those with landed interests. As Samuel Beer records:

'Of the 5,034 Members who sat in the House of Commons from 1734 to 1832, fully three-quarters had their principal economic interest in land. In these Parliaments the landed interest was dominant and no-one questioned its right to dominate.'²⁴

One can, however, question whether the tradition of the 'independent' Member accurately reflected eighteenth century practice in terms of independent action in Parliament. As pointed out by Samuel Beer, the existence of 'representatives of financial interests anxious to secure contracts for loans, remittances, or the supply of goods',²⁵ and the frequency of the patron-nominee relationship,²⁶ which highlighted the economic interests of the patron and which conferred a considerable burden of dependence on the MP, suggest that it did not. However, in the eighteenth century the concept of 'independence' was narrowly interpreted, meaning only independence from the Crown. The form of conflict of interest which the Rockingham Whigs drew attention to was 'the conflict between the public interest and the interest of royal placemen and pensioners',²⁷ and it was generally accepted that MPs should be independent of royal influence.

It is interesting to observe that it is in the patron-nominee relationship, which involved the patron in the payment of election expenses as well as other kinds of influence, that Beer locates the antecedents of the present day sponsored MP. He suggests that:

'While this relationship, born of an aristocratic society, had its unique traits, the fact of importance to us is that the House of Commons since that time seems never to have been without Members bearing some relation to outside persons or bodies...

As aristocracy declined, new forms of patronage arose in the latter part of the nineteenth century. The form with which we are best acquainted today is provided by the trade union MP.²⁸

The extent to which 'sponsored MPs' in the eighteenth century acted to promote the economic interests of their patrons has not been examined in much detail and as Beer points out, would involve research into the relatively unexplored territory of private bill legislation.²⁹ During the eighteenth century private bill procedure did not exhibit the semi-judicial character which it acquired during the nineteenth century³⁰ and there was much opportunity for the intervention of the interested MP. As Pares observed, during this century:-

'Most ... legislation was private, local and facultative, setting up local agencies, such as turnpike, paving, enclosure or improvement commissioners where such things appeared to be desired by the preponderant local interests... Even legislation which was ostensibly national, imposing customs duties or regulating overseas trade, often had local implications and Members of Parliament handled it as agents of local interests'.³¹

Eighteenth century politics saw nothing amiss in the close connection of an MP with interests being favoured by a Bill in which he was concerned. Indeed, Beer concludes that the Old Whig theory of representation in the eighteenth century actually condoned the pursuit of personal interests and may have effectively cancelled out what would now be perceived as a situation of conflict of interests:-

'Groups with social and economic aims continually used government to promote their interests and this was fully legitimised by the norms of Old Whig political culture'.³²

The Old Whig theory of representation regarded MPs as elected representatives whose primary obligation was not to promote the interests of their electors but to promote the interests of the nation as a whole according to their personal judgment and convictions. It also involved a view of what interests were to be considered legitimate. Unlike later Liberal and Radical theories, the Old Whig theory assumed that representation was of corporate bodies (not, as Beer points out, in the strict legal sense of the term) rather than individuals, and on the whole such interests were either of a local or functional nature.

As to whether the franchise reforms of 1832, 1867 and 1884 substantially altered the dominance of men with independent means, Redlich observed in 1908 that although one would expect a broader suffrage to

result in the incorporation of numerous classes into the legislative body:-

'... a glance at the actual conditions in present day parliaments will, even on casual inspection, reveal that nowhere has this consequence followed to the extent that might have been expected... Participation in parliamentary life calls for a total or partial abandonment of the work of earning a livelihood and thus a substantial advantage falls to the share of the higher and financially independent classes.'³³

Although the principle that 'the landowners were enfeoffed by Providence in order that they might govern the country'³⁴ could not be maintained during the nineteenth century, outside interests such as inherited or acquired wealth, or at least membership of a profession such as law, which could be combined with legislative duties, was still necessary for membership of the House of Commons. The steady drop in landowners from 464 in 1832 to 198 in 1901 was compensated for during the same period by an increase in the representation of lawyers and financial interests. Additionally, the rise of the limited liability company provided the House with a new breed of part-time legislators, who were also part-time directors in commerce and industry. As observed by Redlich, at the turn of the century the House of Commons was reserved for those sections of the population which were under the control of the aristocracy and plutocracy and were economically powerful.³⁵ To illustrate his point he cites figures from Dod's Parliamentary Companion to show that among the 670 Members of the House of Commons in 1904 were to be found: 119 Lawyers, 77 large manufacturers, 11 railway directors, 22 ship-owners and marine engineers, 29 bankers and stockbrokers, 12 mine owners, 52 merchants, 18 newspaper editors and proprietors, 15 journalists, 6 doctors, 7 authors, 7 professors and schoolmasters, 54 military and naval men, 10 former diplomatists and civil servants, 26 landed proprietors and 47 country gentlemen.

Echoing Bagehot's views on England as a deferential nation,³⁶ Redlich attributes the persistence of the historic structure of the House of Commons not just to financial considerations such as the high cost of elections and the non-payment of Members, but also to the fact that 'the ever widening electorate in England has always preferred to give its votes to leaders of society, and still prefers to do so.'³⁷ Once again drawing on the work of Samuel Beer, it can also be suggested that the rise of Liberal theory in the nineteenth century, precisely because of

its stress on independence preserved the presumption of outside interests, and meant that there was a continuing acceptance of the propriety of MPs holding outside interests.³⁸ Reflecting the individualism of their economic doctrines, the Liberals assumed that representation was of rational independent individuals rather than corporate bodies, interests or classes. As argued by Beer, if a Member was not to receive subventions from party or patron, not a salary from the executive, it was necessary that he was well-to-do in his own account.³⁹

During the nineteenth century disciplined parties began to develop and a separate cluster of assumptions and beliefs emerged to justify the role of organised party in the representative process. These sentiments and ideas Beer groups together under the rubric of the collectivist theory of representation. A major theme of this is party government and a subsidiary theme, functional representation.⁴⁰ The MP was no longer viewed as a trustee as under Old Whig and Liberal theories; instead his independence was reduced and he was considered to be a delegate of his party, expected to carry out the pledges of his party's election manifesto.

Payment for Members was introduced by the Liberal Government in 1912, but as stated above this did not extinguish the tradition of part-time service and the presumption of Members possessing outside financial interests. Published sources of socio-economic data on Members⁴¹ lend support to Beer's conclusion that in the twentieth century:-

'The interested MP continues to flourish, sometimes, as of old, maintaining a connection with an outside interest through a directorship or the ownership of property but also sometimes, as in the case of trade union MPs serving as the parliamentary representative of a vocational pressure group.'⁴²

Rules on the private financial interests of Members

In tackling the conflict of interest issue we are not simply concerned with the mere possession of outside financial interests, even though this is a prerequisite for a conflict of interest in the pecuniary sense, as defined in Chapter 1, to arise. The issue is how far such interests may influence the parliamentary actions and conduct of a Member. An MP is properly subject to a number of influences: it is only because his parliamentary action and conduct may be seen to be - and may actually be - affected by these interests that he is required

to comply with rules of disclosure. Unfortunately, as various select committees on privilege and procedure have discovered, it has proved difficult to pin down the scope of what constitutes 'proceedings in Parliament'. However, a general idea of what the term covers is given in the Report of the Select Committee on the Official Secrets Acts in Session 1938-39:-

'It covers both the asking of a question and the giving written notice of such questions and includes everything said or done by a Member in the exercise of his functions as a Member in a committee of either House, as well as everything said or done in either House in the transaction of parliamentary business.'⁴³

While Parliament has traditionally promoted the role of the financially independent Member, it has adopted a far less interventionist role in ensuring a Member's disassociation from his personal interests. In 1973, a Green Paper presented to the Canadian Parliament on the subject of Members of Parliament and conflicts of interests observed that:-

'In Britain no extensive limits are placed on the outside employment or business interests of MPs ... Members are fully entitled to enter the professions, undertake commercial work, enter into contracts and write for newspapers and journals. It is only to restrict the more odious practices that Parliament has seen fit to adopt resolutions or establish statutory rules. Even these rules are not extensive and in many cases have deliberately avoided precision...'⁴⁴

The individual Member has long been regarded the best judge in avoiding conflict situations, and, in contrast to the detailed code drawn up for ministers,⁴⁵ Parliament has provided no coherent code to guide Members' conduct in the areas of pecuniary interests. Instead there has grown up incrementally a vague anthology of resolutions, speakers' rulings, recommendations from committees of privilege, traditional conventions and so on, which are intended as a guide to Members in exercising their discretion. These may be classified as preventative regulations in that they are intended to regulate the potential harm before the conflict occurs, and in this sense can be distinguished from the remedial procedures involved in the investigation and punishment of misconduct.

This distinction forms the organising principle for the ensuing factual presentation of the rules, regulations and procedures governing Members' pecuniary interests prior to the introduction of the Register. Inevitably there is some overlap between the two areas. This largely derives from the fact that the history of the regulation of Members'

conduct is inextricably entwined with the history of parliamentary privilege, which not only provides the standards to be observed in parliamentary proceedings, but also affords Parliament the right to regulate and, if necessary, punish the conduct of its Members who abuse its privileges.

The privilege of freedom of speech is particularly relevant to this study. First claimed in 1541, and ultimately given statutory recognition in 1689 in article 9 of the Bill of Rights this states:-

'That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament'.⁴⁶

This provision has at least two implications for the regulation of Members' financial interests. First, it protects the freedom of speech in Parliament and places a corollary duty on each Member to refrain from any course of action prejudicial to the privilege which he enjoys; a principle underlying many of the preventative rules in the area of pecuniary interests. Second, it conveys recognition of the right of each House itself to adjudicate upon the conduct of its Members in their parliamentary capacity, a right which was re-affirmed by a resolution of the House in 1837:-

'That by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament is a high breach of such privilege and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon'.⁴⁷

The claim to this right in part derives from the historical origins of Parliament as the High Court of Parliament, the highest Court in the land and the conception that it would therefore be contrary to every principle for its proceedings to be regulated or challenged in any other court. An extension of this principle, as pointed out by Pachauri⁴⁸ is that the House has the privilege of getting the interpretation of its rules and orders from its own elected representative - the Speaker - and there is no authority outside the House which can interfere with the interpretation except the House itself.

Parliamentary privilege rests on the law and custom of Parliament and is defined in Erskine May as:-

'... the sum of peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege though part of the law of the land, is to a certain extent one exemption from the ordinary law.'⁴⁹

This study is particularly concerned with the House of Commons rather than with the House of Lords and any references to privilege are to the privileges of the Commons, which have been defined as:-

'The sum of the fundamental rights of the House and of its individual Members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords.'⁵⁰

As this definition infers, the history of parliamentary privilege is largely the process of the fierce and prolonged struggle of the House of Commons to win the rights and freedoms which they enjoy today. The practice of claiming these rights - which include freedom from arrest and legal process, freedom of speech, debate and proceedings in the House, freedom from intimidation or molestation (including bribes or financial inducements), freedom to punish as contempts breaches of privilege under the foregoing headings and an indeterminate class of obstructions and indirect interference whether by speech, action or writing⁵¹ - can be traced back at least to the fifteenth century, if not before.

The distinctive mark of privilege is its ancillary character. The privileges claimed by Parliament are those which are 'absolutely necessary for the due execution of its powers', and such rights and immunities are enjoyed by individual members only as a means to ensure the effective discharge of the functions of the House.⁵²

Without the power to uphold compliance with its commands, to punish offenders and to discipline its own Members, the privileges of Parliament would be ineffectual in ensuring its efficient functioning and dignity. Thus, when:-

'... any of these rights and immunities, both of the Members, individually, and of the assembly in its collective capacity, which are known by the general name of privileges, are disregarded or attacked by any individual or authority, the offence is called breach of privilege, and is punishable under the law of Parliament. Each House also claims the right to punish actions, which, while not breaches of any specific privilege, are offences against its authority or dignity ... any such actions, though often called 'breaches of privilege' are more properly distinguished as "contempts"'.⁵³

There is no formal codification in this area and, as recognised by Blackstone in the eighteenth century,⁵⁴ Parliament emphasises the advan-

tages to be gained from the indefinite and discretionary nature of the law of Parliament. As Sir Barnett Cocks, (former) Clerk of the House, explained to the Committee of Privileges in 1964:-

'The reason for keeping the privilege of Parliament undefined has been stressed in the Report of the Select Committee on the Official Secrets Act, in its report of 5 April 1939. They say: "The privileges of Parliament, like many other institutions of the British Constitution, are indefinite in their nature and stated in general and sometimes vague terms. The elasticity thus secured has made it possible to apply existing privileges in new circumstances from time to time. Any attempt to translate them into precise rules must deprive them of the very quality which renders them adaptable to new and varying conditions, and new or unusual combinations of circumstances, and indeed might have the effect of restricting rather than safeguarding Members' privileges"' .55

Preventative regulations

It would be an enormous task to enumerate every Act, resolution Speaker's ruling, etc. which has contributed incrementally to the anthology of preventative regulations governing Members' pecuniary interests. Bearing in mind these are designed to uphold the general freedoms and obligations deriving from parliamentary privilege in the specific area of Members' interests, it is sufficient to outline, and in some cases illustrate, the landmarks in the nature and development of these scattered rules.

The Chapter will follow the approach of the 1969 Select Committee of Members' Interests (Declaration)⁵⁶ by considering the factual position of these rules, conventions etc. in terms of three elements: the statutory requirements and resolutions of the House governing the offer to, and acceptance by, Members of payments or rewards; the rules governing voting with a pecuniary interest; and the custom requiring a declaration of interest. In addition to this loose collection of rules and conventions, it should be pointed out that constitutional limits are set to Members' power to confer direct financial benefit on their constituents or other individuals or groups. The House's standing order no. 82, established more than 250 years ago, provides that no motion for a grant or charge upon the public revenue is to be proceeded with unless recommended by the Crown. As the 1969 Select Committee observe, 'Ministers subject to their own strict rules of conduct and a civil service bred in a tradition of impartiality and incorruptibility dispose of that recommendation'.⁵⁷

1. Payments and rewards to Members

Restrictions on a Member's freedom to take up outside paid employment are few, and operate only when his outside interests influence the discharge of his duties as a Member.

In 1782 when the belief that MPs should be independent of royal influence was widely held, an Act was passed to exclude government contractors from the House of Commons.⁵⁸ However, by the middle of the nineteenth century the progress of industrialisation, particularly the growth of incorporated enterprises, rendered this act a dead letter.⁵⁹ The law on disqualification for membership of the House of Commons through holding certain posts, including ministerial and other offices under the Crown, remained exceedingly complicated until the passing of the House of Commons Disqualification Act 1957 (later re-enacted as the House of Commons Disqualification Act 1975). This replaced a large number of statutory and common law provisions on disqualification by a single code, and also repealed the existing legislation disqualifying a Member on his becoming a public contractor. In recommending the latter deletion, the Select Committee which considered the Bill in 1955-56 argued that the existing law was archaic - having been enacted at a time when the great bulk of trade and commerce was transacted by individuals, not companies or other incorporated bodies - and that the Clerk of the House had confirmed that there had been no knowledge of corruption affecting Members in connection with government contracts for the past hundred years.⁶⁰ In repealing this provision, they did however stress that this would emphasise the obligation on Members to disclose any pecuniary interest when speaking or voting (see below).

A further disqualification for membership which holds some relevance for this study is corrupt practices at elections, dealt with by the provisions now contained in s.s. 139 and 140 of the Representation of the People Act of 1949.

In addition to statutory restrictions, the House has formally condemned the offer to and acceptance by Members of bribes. Following the findings of an enquiry that some Members of the House of Commons had been bribed in connection with matters concerning East India trade,⁶¹ the House resolved on 2 May 1695 that:

'The offer of money, or other advantage, to a Member of Parliament for the promoting of any matter whatsoever, depending or to be transacted in Parliament is a high crime and misdemeanour and tends to the subversion of the English Constitution'.⁶²

In the spirit of this resolution the House has regarded the offering of a bribe to a Member of either House in order to influence him in his conduct as a Member, or of any fee or reward in connection with the promotion of, or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to the House or a Committee thereof, as a breach of privilege.⁶³

However, as pointed out by Geoffrey Marshall, more recently 'alleged financial impropriety has not invariably been a matter of straight forward bribery, but turned upon the relationships between Members and special interest groups or their representatives'.⁶⁴ Here a considerable degree of uncertainty still remains. The House has traditionally attempted to draw a distinction between illicit forms of payment on the one hand, and on the other, financial assistance from outside bodies - such as trade unions, public quoted companies etc. - the payment and receipt of which does not in itself involve any breach of privilege.⁶⁵ However, difficulties can arise from the latter form of financial relationship if the sponsoring body withdraws or threatens withdrawal of assistance on account of the Member's activities in Parliament, and thereby risks the accusation of fettering the complete independence of the Member. Following the investigation of one such case by the Committee of Privileges in 1947,⁶⁶ the House attempted to clarify its position by resolving 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'.⁶⁷

However, this resolution, based on one of two principles governing Members' relationships with outside bodies set out in the Committee's report, is difficult to reconcile with the other principle expressed by the Committee and endorsed by the House, acknowledging the accepted fact that many Members do receive financial assistance from outside bodies, and that not every action by an outside body which may influence the conduct of a Member can be regarded as a breach of privilege even if it were calculated and intended to bring pressure on a Member to take or refrain from taking a course of action.

The House has not restricted itself to safeguarding against pecuniary corruption arising from direct payments to Members. It has additionally sought to guard against indirect influence by forbidding Members to accept fees for professional services connected with proceedings in Parliament. Members may not practice as counsel before the House or any of its committees; nor may they advise, as counsel, on a private bill or parliamentary proceeding. These principles concerning professional advocacy have been formally recognised in several resolutions of the House.

On 6 November 1666 the House resolved:

'That such Members of this House as are of the long robe shall not be counsel on either side, in any bill depending in the Lords' House, before such bill shall come down from the Lords' House to this House'.⁶⁸

It was declared on similar grounds in 1830 that it was contrary to the law and usage of Parliament for any Member to be engaged, either by himself or any partner, in the management of private bills before either House of Parliament for pecuniary reward.⁶⁹ Again on 22 June 1858 the House ordered:

'That it is contrary to the usage and derogatory to the dignity of this House that any of its Members should bring forward, promote or advocate in this House any proceeding or measure in which he may have acted or been concerned for or in consideration of any pecuniary fee or reward'.⁷⁰

These prohibitions against professional advocacy arose during the centuries when private legislation of a local, sectional or personal nature comprised the vast bulk of the business of the House. The 1660 resolution very obviously relates to members of the legal profession, and the 1858 resolution, though couched in broad terms, was similarly reached by the House in the context of advocacy by members of the bar.⁷¹

2. Voting with a pecuniary interest

'... a personal interest in a question disqualified a Member from voting. But this interest, it should be further understood, must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty's subjects, or on a matter of State policy'.⁷²

In response to a motion for the disallowing of votes of certain Members on the Gold Coin Bill in 1811, Speaker Abbot gave this oft-quoted interpretation of the House rule, established since at least the seventeenth century, regarding voting with a pecuniary interest. His ruling

expressed significant qualifications to the fundamental principle that no Member with a direct pecuniary interest in a question may be allowed to vote on it, and these qualifications have been further defined by later Speakers. A 'direct pecuniary interest' to be covered by the ruling must be private and particular and not dependent on the possible exercise of permissive powers by another body.⁷³ Further, 'not in common with the rest of His Majesty's subjects' has meant that membership of a category or group which stands to benefit has not precluded a Member from voting. For example, Members are entitled to vote on the question of their own salaries,⁷⁴ and a farmer or industrialist may vote on measures benefiting the industry in which he is engaged.⁷⁵ If the expected benefit is public or general, the personal private gain by the individual Member is incidental.⁷⁶ Linking to this criterion, the inclusion of the words 'or on a matter of State policy' explain the difference in the treatment of the House of questions of a personal interest in private bills and in public bills respectively.⁷⁷ If the interest is on a matter of State policy, whether the question involves the pecuniary interest of all members of the community or only certain groups, the benefit is held to be general and therefore not disallowable. Thus neither directors nor shareholders in public companies are excluded from voting for or against a public bill which might regulate that company, even if it is one particular company about which the Bill is concerned. Votes on Private Bills, not being matters of State policy, are not covered by this proviso.

In 1896 the question of whether it was desirable to define more precisely the nature and extent of personal and pecuniary interest which should disable a Member from voting was remitted to a select committee of the House. This followed the second reading of the London and North-Western Railway Bill, where Lloyd-George had moved to disallow the vote of a Tory Member on the grounds of personal pecuniary interest in the Bill (the Member was a director of the company). During the acrimonious debate which ensued it was alleged that the House had become 'too frequently the rendezvous of guinea pigs, and of railway, and gas, and water company directors', and suggested that the House should adopt a stronger rule on pecuniary interests in line with local government where it was a municipally disqualifying act for a man to speak, and above all to vote, in favour of any scheme in which he had

a direct personal interest.⁷⁸ While defending the vote of his hon. Friend, the First Lord of the Treasury, Mr A.J. Balfour, agreed to appoint a committee to thrash out the matter. Mr Lloyd-George accordingly withdrew his motion.

The Select Committee on Members of Parliament (Personal Interest)⁷⁹ restricted themselves to inquiring into voting with a pecuniary interest and made no reference to the generally recognised convention of declaring in debate a pecuniary interest. Stating that they considered 'it would not be of any advantage to invite expressions of opinion from any persons not well acquainted with the procedure of the House of Commons',⁸⁰ they were assisted by the (then) Speaker of the House (Rt. Hon. William Court Gully), a former Speaker of the House (Rt. Hon. Viscount Peel) and the Clerk of the House (Sir R. Palgrave). On the basis of evidence produced by these House of Commons personnel they reached the conclusion that a more precise definition of interest could only be arrived at and maintained by the enactment of a standing order, and that they could not recommend this because:-

'... No Standing Order could include all the possible varieties, present or prospective, of personal pecuniary interest, and any Standing Order must necessarily be both strictly and narrowly interpreted by the Speaker or the Chairman. The enactment of a Standing Order might, therefore, actually facilitate such arrangements by any Members who might desire to make an improper use of their votes as would enable them to do so with impunity; while the very uncertainty and width of the present definition, which admits of infinite degrees of variation, according to the judgment of the House on the merits of each individual case, would deter them from any attempt of this kind.'⁸¹

The Committee did not respond to the suggested amendment to the standing order relating to private bills (contained in an appendix by Mr F.B. Palmer, Barrister at Law), the acceptance of which would have precluded a director of a company from voting in Parliament on affairs of that company. It may be noted in passing that it has been suggested that this refusal of the Committee to accept tighter restrictions upon M.P.-directors left the way open to MPs being directly subsidised by Trade Union funds:

'The refusal to impose new restrictions upon private Members' interests in 1896, when the influence of business on politics appeared dangerous to the public interest, left no logical ground for restrictions upon the interest of organized Labour in the future. The rise of the Labour Party with many of its candidates subsidized by union funds clearly raised the question of interest.

But if it had been all right for business corporations to have direct representation, on what grounds could even a whole party of Trade Union representatives be restricted.'⁸²

The effect of the various rulings since Speaker Abbott's ruling in 1811 is that on a public bill there is no obligation for a Member to refrain from voting. Since that time there has only been one recorded instance of votes on a public matter being disallowed, when in 1892 on a motion for a grant in aid of a survey for a projected East African Railway the votes of three Members who were directors or shareholders in the British East Africa Company were disallowed.⁸³ There is no record of a vote being disallowed on a public bill.

However, as indicated above, the position is different with regard to private legislation. The promoters of a private bill are seeking special rights or powers and therefore cannot be said to be 'in common with the rest of His Majesty's subjects', nor is their bill 'a matter of State policy'. Nevertheless, even on a private bill the interest which would disable a Member from voting would have to be a very direct personal interest and not just of a local nature.⁸⁴ The case history of votes on matters affected by personal pecuniary interest is thoroughly set out in Erskine May,⁸⁵ and it is sufficient to record here that the last occasion on which a motion to disallow a Member's vote on a private bill was moved was in 1901, and the last recorded occasion on which such a motion was carried was in 1836.

If a Member disregards the rules and votes on a matter in which he has a direct interest this would not be a breach of privilege but rather a breach of convention.⁸⁶ The penalty resides in the motion to disallow his vote and this objection must be raised immediately after the division; if taken at a later stage the Speaker would not allow it. The same procedure applies to Standing Committees. The Speaker has to rule whether, in the circumstances of the case, the motion is in order, and if he does so, the House decides the matter. The Member whose vote is impugned is allowed to plead his defence, but must withdraw before the question is proposed. It should be noted that the rule applies only to the vote of an M.P. and does not disable him from speaking to or moving a motion in which he has a personal interest.

The disallowance of a vote on the grounds of personal interest is confined to pecuniary interests, although it was remarked by Speaker Gully in evidence to the 1896 Select Committee that Members:

'... also know that it is desirable that they should abstain in some cases where their interest is not a pecuniary one, but in which the House would feel that it is better that they did not vote, and in many cases of that kind they do abstain'.⁸⁷

The spirit of this practice can be found in the current edition of Erskine May, where it is recorded that:

'Disallowance of a vote on the score of personal interest is restricted to cases of pecuniary interest and has not been extended to those occasions when the dictates of self-respect and of respect due to the House might demand that a Member should refrain from taking part in a division'.⁸⁸

Finally, it should be reasserted that while pronouncements of the Chair provide guidance for Members as to what general precedents govern the practice of voting with a pecuniary interest, these do not override the primary role given to the discretion of the individual Member. Members 'individually must be the judges themselves on the question of personal interest' said Mr Speaker Fitzroy, 'but, as a general Ruling, I would give the following...'⁸⁹ and again in 1946 Mr Speaker Clifton Brown confirmed that:

'The question whether an hon. Member's interest in the matter on which a Division takes place, is of such a kind that he should refrain from voting is a question of which the Member himself is, in the first instance, the judge. It can also be raised on a Motion to disallow the vote of a Member immediately after the figures of a Division in which he voted are declared, and then it is a question for the House to decide'.⁹⁰

3. Declaration of interest

The only formal declaration of pecuniary interest required by a standing order of the House relates to opposed private bills. This was adopted in the mid-nineteenth century when private bill procedure, particularly that concerning railway activities, was at a peak. As alluded to above, prior to 1844 Members were allotted to private bill committees specifically because of their local or personal interest in the issue, the rationale behind this system being that:

'... the Members best qualified to serve on the committee... were those who had some personal, local, or professional knowledge of the matter, and who represented interests likely to be affected.'⁹¹

Growing opinion that the dangers of vested interests more than counter-balanced the advantages to be gained from local or personal knowledge, as well as the growth in public companies and volume of public business, which rendered the 1782 reforms an anachronism (above), led to a reform

in private bill procedure. In 1848 Gladstone required a declaration of disinterestedness, local and personal, from Members serving on railway bill committees, and in 1855 this principle of impartiality was required of members of committees hearing any opposed private bills.⁹²

The wording of the declaration which Members have to sign before attending and voting on a committee on an opposed private bill is as follows:

'I, having been selected by the Committee of Selection to serve as a member of the committee on the ... Bill or on Group ... of Private Bills, hereby declare, that my constituents have no local interest, and that I have no personal interest, in the said bill or any bill included in the said group; and that I will never vote on any question which may arise without having duly heard and attended to the evidence relating thereto.'⁹³

If a Member who has signed this declaration subsequently finds he has a direct interest he must withdraw from the committee and may be discharged from further attendance altogether.⁹⁴

In examination by the 1896 Select Committee Speaker Gully was asked whether the rule for private bill committees should be extended to govern votes in the House. He advised that:

'I think it would be extremely inconvenient to apply that in the House; it would raise infinite questions. It is a very different thing to impose a rule of that sort on five or seven Members dealing with three or four particular matters referred to them, and to impose it on 670 Members dealing with every question that may possibly come up before the House.'⁹⁵

Although there are on record occasional examples during the nineteenth century of declarations of interest,⁹⁶ the available evidence suggests that during this time personal pecuniary interest was seen mainly as raising a problem with regard to voting, rather than as necessitating a rule governing declaration in debate. However, within the House there has always been a tradition that Members should be frank in debate about their pecuniary interests and there has evolved a convention, of uncertain origin, that Members should declare their personal interest in a subject under debate. Describing this convention to the 1969 Select Committee, the Clerk of the House confirmed that this obligation is only a convention and not a rule such as a decision of the Chair or a standing order or resolution of the House:

'Erskine May only deals with the rule affecting the vote of a Member and no mention is made in the whole of this volume about speeches. This is a pretty recent convention. Again, it is a convention such as the convention of addressing Members "hon. Member",

it is not a rule which is laid down by the House; it is a convention which is observed by Members of the House.'⁹⁷

Various Speakers have, however, given guidance on this convention.

In 1953 Mr Speaker Morrison confirmed its existence by stating:

'There is a custom whereby hon. Members, in making speeches, if they have an interest, declare it. I think myself that that has grown up as a matter of custom because Members desire to be frank with their fellow Members and it is sometimes a matter of prudence, in case an hon. Member should be suspected of unavowed motives.'⁹⁸

He also confirmed that the practice did not extend to Parliamentary Questions.

Subsequent Speakers have restated Speaker Morrison's view, but have not been consistent among themselves. In 1956 the Deputy Speaker restricted the ambit of declaration to 'a direct pecuniary interest',⁹⁹ while in 1965 Mr Speaker Hylton-Foster appeared to widen the criteria for interest by including shareholdings.¹⁰⁰ One aspect on which successive Speakers have however been consistent is on the exclusion of Parliamentary Questions from the convention of declaration,¹⁰¹ and in 1969 Mr Speaker Hylton-Foster elaborated on this omission by explaining:

'For hon. Members to declare a personal interest when putting supplementary questions at Question Time regularly would eat into Question Time and slow it down'.¹⁰²

Remarking on the apparent inconsistency and imprecision of statements from the Chair, the 1969 Select Committee suggested that this was because the issue has been treated as a matter of etiquette rather than a rule. This treatment has also had the effect of enshrining the assumption that it 'has been and always must be that hon. Members can be relied upon to assess those delicate matters in an honourable and proper way and that detailed rules are undesirable and unnecessary'.¹⁰³ As commented by K. Thompson M.P. in response to Speaker Morrison's clarification of the convention in 1953:

'Now it is quite recognised that any hon. Member of this House is able, and expected to be able, to separate his personal interest from his public duty.'¹⁰⁴

The House has expressed its displeasure at Members who they believe to have transgressed the convention of disclosure (e.g. the Marconi case, 1913; the Boothby case, 1940). Consideration of such action is dealt with in the following section on procedures and punishment.

Procedures of investigation and punishment

There are several procedures available to the House for investigating allegations of misconduct against Members, each more appropriate for a particular type of inquiry and each possessing its own particular shortcomings.

A formal complaint of breach of privilege - including misconduct by Members - must be raised in the House by a Member as soon as possible after the event which he is citing in the complaint occurs, and it is for the Speaker to pronounce whether this constitutes a prima facie breach of privilege. If he does so, it is normal for the Leader of the House to move a motion to refer the complaint to the Commons Select Committee of Privileges. This committee originated in the seventeenth century, and is a House of Commons not a Government committee. It is appointed at the beginning of each parliamentary session and comprises senior Members of the House, usually including the Leader of the House (who is chairman), the Leader of the Opposition and a law officer (who sits in his capacity as a Member and not a Government representative).¹⁰⁵

The Committee deliberate upon the matter and issue a report, in the light of which the House decides what action, if any, should be taken against the Member (or stranger). There is no obligation on the House to support the findings of the Committee even when it is unanimous. Partly because of the sensitivity of Members of Parliament to outside criticism and comments¹⁰⁶ and partly because of the ease with which complaints may be raised, the committee often finds itself dealing with trivial cases. This fact may to some extent account for the frequency, revealed by a survey of complaints referred to the Committee of Privileges since 1945,¹⁰⁷ with which the Committee has recommended no further action, and the House has endorsed this recommendation by giving tacit or explicit acceptance to the Report (which may be critical) but pursuing the matter no further. However, it should also be pointed out that this frequency may also reflect the problem observed below, that many of the punishments available to the House are rarely considered appropriate for the present day.

In the investigation of allegations suggesting that a Member's conduct or activities might amount to contempt of the House, or at least be inconsistent with the standards expected by the House, and that raise other issues besides that of privilege, since the middle of the seventeenth century (and notwithstanding the Act of 1921, see below) the

House has often preferred to use 'ad hoc' select committees. This preference was explained by a former Prime Minister, Rt. hon. Winston Churchill, when appointing a select committee in 1940 to investigate the conduct and activities of Mr Boothby MP in connection with the payment out of assets in Britain of claims against the Government of and institutions in the Republic of Czecho-Slovakia:

'I considered whether I should then move that it should be referred to the Committee of Privileges but, after obtaining guidance as to the precedents, I came to the conclusion that as the case appeared to raise other issues besides that of Privilege, it was better that it should go to a select committee, so that the truth could be ascertained and the conduct of the hon. Member considered'.¹⁰⁸

To some extent the thoroughness of this particular Committee repaired the reputation of select committees as a method of inquiry, which had previously been badly discredited by the partisan proceedings of the select committee appointed to investigate the Marconi affair in 1913.¹⁰⁹ That Committee had been set up to investigate allegations that Ministers in the Liberal Government had used their privileged knowledge of the negotiations for a government contract with the Marconi company to speculate in Marconi shares. The Committee produced a majority and minority report - the former, which found in favour of the Ministers, reflecting the views of the Liberal Members, and the latter, reflecting the views of the Conservatives. In the acrimonious debate which took place in the House on the majority report partisan feelings were rife. Mr Cove (Cons) moved a vote of censure on the two Ministers for their dealings in shares in the Marconi Company of America and for their 'want of frankness' to the House. With the House voting on party lines this motion was rejected in favour of a Government motion which acquitted the Ministers of acting otherwise than in good faith, and reprobated charges of corruption brought against them which had been proved to be false. The question of the efficacy of using ad hoc select committees for this purpose was revived more recently in the House when, in 1976, a select committee was appointed as the appropriate body to inquire into the conduct and activities of Members of the House in connection with the affairs of Mr J.G.L. Poulson.¹¹⁰ Consideration of this committee lies outside the time period of this chapter, but is touched on in Chapters 6 and 7.

As an alternative to inquiry by select committee the House has in the past used special tribunals to remove controversial matters from its political sphere; for example, the 1888 Parnell Commission, the

1893 Featherstone Riots inquiry, and in 1915, the Dardanelles and Mesopotamia Commissions.¹¹¹ Additionally, when allegations were made in 1921 against officials in the Ministry of Munitions, recent memories of the partisan failings of the select committee procedure associated with the Marconi affair gave rise to demands for new investigatory machinery, not just for the munitions case, but for similar issues in the future. The outcome was the Tribunals of Inquiry (Evidence) Act in 1921, providing, on a resolution of both Houses of Parliament, for a tribunal to inquire into a definite matter of urgent public importance.¹¹² The Act lays down no requirements as to the composition of the tribunal, but since 1948 the practice has been to appoint members of the judiciary and eminent Q.C.s. This instrument of inquiry is chiefly designed to investigate allegations of impropriety in public life. Examples of its use in relation to the Commons include the Budget disclosure inquiry in 1936,¹¹³ and the Lynskey Tribunal in 1949;¹¹⁴ both of which involved government ministers, not backbenchers.

Penal jurisdiction of the House

As stated above, although a select committee or tribunal report may be condemnatory of the conduct of a Member (or minister), it is for the House as a whole, as sole judge of its own proceedings, to decide what action, if any, to take on those findings. Deriving from the medieval conception of Parliament primarily as a Court of Justice, the House has a range of sanctions at its disposal if it decides that a Member or non-member is guilty of a breach of privilege or an unspecified contempt of Parliament; some of which though used to effect in parliamentary history are rarely countenanced in present circumstances. With regard to the disciplining of its own Members, these sanctions are listed in Erskine May¹¹⁵ as follows: the power of commitment, which May describes as the 'keystone of parliamentary privilege', but which has not been exercised by the Commons since 1880;¹¹⁶ expulsion or suspension from the service of the House;¹¹⁷ and reprimand or admonition administered by the Speaker. Earlier in history the Commons had the additional right to impose fines but this right has not been exercised since 1666,¹¹⁸ and, as remarked by the Clerk of the House in his memorandum to the Committee of Privileges in 1977, the doubt as to whether the House of Commons, in contrast to the House of Lords, is a court of record implies the further doubt as to whether they now possess this power.¹¹⁹

Patterns and Characteristics

While Parliament has traditionally promoted the role of the financially independent Member, and jealously protected his independence from outside influences such as a corrupt electorate and undue interference from the Crown (as manifested in the origins of parliamentary privilege) it has been far less interventionist in ensuring a Member's disassociation from his personal interests. The tradition of the financially independent Member, with the accompanying view of membership as a part-time occupation, carried with it the presumption that it was proper, and indeed before 1911 necessary, for Members to possess outside financial interests. Both tradition and presumption to a large extent survived the introduction of official payment in 1911, and have been a continuing thread underlying the development of the rules and conventions regulating Members' pecuniary interests. The fundamental question of the existence and the extent of the involvement of M.P.s in outside interests has rarely been considered. An exception is professional advocacy, but even here the prohibition upon accepting fees for professional services connected with proceedings in Parliament is limited to the legal profession and is therefore too narrow to cope with the modern forms of advocacy. Accordingly a backbench or frontbench Opposition Member of Parliament (as contrasted with a minister) has not been prevailed upon to divest himself of those interests which may conceivably prejudice his public duties. Instead, the House has addressed itself to the question of whether, and if so how, those outside interests should be disclosed, and has occasionally limited the actions of Members possessing such interests eg. the restrictions on voting with a pecuniary interest. Protective of the individual Member's privacy, the House has traditionally required the disclosure of interests only at the point in time of speaking or voting upon a matter upon which his action may be influenced by his personal interest.

In this approach to the potential problem of conflict of interest Parliament has tended to adopt the 'principle of disclosure' in preference to the 'principle of avoidance'.¹²⁰ The different emphases of these principles, which need not be mutually exclusive, support the statement made in the previous chapter that politicians may have two objectives in their approach to conflict of interest; first, to avoid actual conflicts, and second, to restore public confidence in Parliament by reducing the appearance of conflict. The principle of avoidance,

while ostensibly aiming to prevent conflict, places emphasis on minimising the appearance of conflict, whereas in its pure form the principle of disclosure has the primary purpose of reducing actual conflict. With the latter principle conflicts may even appear to be condoned so long as they are disclosed. Defenders of this position frequently cite the character and personal propriety of those involved, and the House of Commons follows this pattern by insisting that the tradition of frankness among Members about pecuniary interests is deeply entrenched.¹²¹ The marked preference by Parliament for the principle of disclosure suggests that prior to the introduction of the Register, when Parliament did intervene in the area of Members' pecuniary interests it was perhaps more with the intention of avoiding actual conflicts of interest than with preventing the appearance of conflict.

The historical survey also reveals that the reluctance of Parliament to intervene in the area of personal interests has resulted in the lack of a codified approach towards the regulation of interests. Instead, there is an anthology of rules and conventions, developed incrementally by the House and buttressed by the general principles of the law of parliament expressed in parliamentary privilege. This pattern of development has several implications for this study.

Firstly, the House has shown no intention of establishing or even an awareness of any need to establish a coherent set of rules or code of conduct, preferring instead to introduce ad hoc measures to clarify its position following specific instances of misconduct. This pattern of proceeding suggests that without the stimulus of periodic scandals and the resultant parliamentary and public anxiety, Parliament would not of its own accord have taken the initiative to regulate Member's interests. The history of this approach supports the working hypothesis presented in Chapter 1, that Parliament's method of proceeding in the regulating of Members' pecuniary interests has followed the course of a series of issue-attention cycles.

Secondly, each act of misconduct giving rise to clarificatory rulings, resolutions etc. involved specific historical circumstances and may have occurred centuries ago. Bearing in mind Sir Ivor Jennings warning that '(p)recedents arising before 1832 must be used in rare cases only, for the Reform Act altered the fundamental assumption of the Constitution',¹²² it would seem that many of the precedents which guide the Speaker and the House in their judgment on contemporary issues involving pecuniary interests are archaic and inappropriate to modern conditions. The

narrow scope of the prohibition against professional advocacy has already been noted, and to this must be added a broader criticism that many of the rules and conventions regulating Members' interests (particularly voting with a pecuniary interest) arose during the heyday of private bill legislation. That era has now passed, and cognisance of the changing character of legislative procedure is of relevance to an evaluation of the adequacy of resolutions or Speakers' rulings formulated in the period of private legislation to the present context of predominantly public bill procedure in the House of Commons.

Thirdly, the House places great store by the flexibility of both its privileges and precedents. As confirmed by the Attorney General in a document circulated to the Cabinet during consideration of a case of alleged breach of privilege in 1947, 'it is not necessary either to follow precedent too slavishly in this matter, or to refrain from finding that the privileges of the House are involved because there is no exact precedent in point'.¹²³ This apparent disregard for precedent means that even if Members look to precedent for guidance they cannot be certain that a precedent arising from a particular set of historical circumstances will necessarily be followed in similar, but inevitably not identical circumstances at a later date. Thus the price of flexibility is uncertainty.

A consequence of the lack of a coherent code of conduct, compounded by the archaic nature and arbitrariness of precedent has been the creation of confusion among MPs as to what standards to observe in the area of pecuniary interests. For example, in 1940 Robert Boothby raised this point in his defence in evidence to the Select Committee investigating his conduct (above);

'... I do want to say that I must confess I am not at all clear in my own mind about the duties of a Member of Parliament. I have sat here for 16 years, but if you ask me precisely what the duties of a Member of Parliament are with regard to disclosure, I should find it frightfully difficult to answer that question...' ¹²⁴

The final characteristic to be identified from the historical review is the unique claim of Parliament, deriving from its historical origins as the High Court of Parliament, to be the sole judge of its own proceedings, including its Members' conduct. A general statement on the research problem which can be inferred from this privilege is that the history of the House's approach to, and regulation of, the potential

problem of conflict of interest is essentially the history of a series of loosely connected exercises in self-discipline, and the problems associated with such regulation are essentially ones deriving from the application of self-discipline.

In using its right to exercise self-discipline to the exclusion of external sanctions the House has given primacy to the discretion of the individual Member in separating his private interests from his public duty, and in doing so, has emphasised the role of the individual and collective qualities such as honour, self-restraint, loyalty and mutual trust in guiding Members' judgment. As explained in Chapter 1, these qualities, along with the concepts of part-time membership and the gifted amateur can be traced back to a common source in English culture often referred to as the 'gentleman ethic'. The question arises as to whether these underlying values have persisted in shaping the House's approach to the regulation of Members' interests, or whether the introduction of the Register indicated a departure on the part of parliamentarians from the tenets associated with the traditional belief in the House of Commons being a meeting place of gentlemen, with the historical claim to being 'the best club in London'.¹²⁵

CHAPTER 4

The 1969 Select Committee: 'A False Dawn'

'The subject of Members' interests is by no means new. It has been debated in the past from time to time when disclosures have been made or information has come to light which disturbs the House, and the House then feels that it should examine once again this difficult matter. This occurred during the lifetime of the Labour Government, and a Select Committee was set up presided over by my right hon. Friend the Member for Vauxhall (Mr Strauss). It spent a considerable period in close examination of a complex problem, and it produced a report.

It is true that the report was never debated here. Probably it should have been debated but, unhappily, there are times when the House, roused to indignation or apprehension and in a mood or spirit of moral fervour, says that a Select Committee must be set up, that something must be done to inquire into whatever the subject may be, and that some remedy must be found, but by the time the Select Committee set up to deal with the matter produces its report the House has lost interest in the circumstance of its appointment, and we wait until the next incident occurs'.

Mr Douglas Houghton M.P.¹

In a reflective piece of parliamentary discourse Douglas Houghton captures the spirit of the 'issue-attention cycle' discussed in ideal type form in Chapter 1 and clothes it with the flesh and bones of a concrete parliamentary event. As he observes, and the previous chapter has attested, although the issue of Members' financial interests is by no means new, its status on the parliamentary agenda for debate has not been consistent. Indeed the 1969 Select Committee on Members' Interests (Declaration)² was the most decisive move in the protracted and spasmodic debate on Members' interests since the Select Committee on Members of Parliament (Personal Interest) carried out a limited review in 1896.³ This chapter provides a tentative explanation of the genesis of the 1969 Select Committee and describes its internal dynamics, its Report and the reaction to its findings.

Part 1: The Background to the CommitteeParliamentary pressure

The Sunday Times records that the modern campaign concerning the regulation of Members' outside interests really began in April 1963, with Mr Maurice Edelman (Lab) asking the then Conservative Prime Minister, Mr Harold Macmillan, to introduce legislation requiring all individuals and outside bodies professionally concerned with the promotion or advocacy

of Parliamentary measures to register themselves at the start of each parliamentary session as 'lobbyists'.⁴ Mr Macmillan's response was a sharp and predictable 'No sir'.⁵ However, a suggestion of increasing parliamentary concern can be clearly detected before this exchange.

In June 1961 Mr Francis Noel-Baker (Lab), aware of the opportunities for a new form of political corruption,⁶ had asked Mr Macmillan if he would move for the appointment of a Select Committee to inquire into the business affiliations of all hon. Members, and the payment of retainers and fees to them for services to business interests, particularly in the field of advertising and public relations, with a view to making all such information readily and regularly available to the public. Mr Macmillan reminded Mr Noel-Baker that, 'it is our tradition that a Member of Parliament must be free to conduct his personal affairs himself, subject to the accepted rules and conventions'.⁷ He alluded to the possibility of any such regulation being the beginnings of the slippery slope to a full-time House of Commons and concluded in the vein of successive Prime Ministers of both parties by saying, 'I should be very sorry to see a House of Commons which included no hon. Members with outside interests in work, functions and even responsibilities'.

Another significant event had been a supplementary question by Mr Harold Wilson complaining implicitly that in travelling abroad Members were dependent upon public relations firms and other organisations financing their trips.⁸ Two years later he confirmed his concern about Members' interests when in a Liverpool speech in March 1963, just after becoming Leader of the Labour Opposition, he argued that a Labour Government should introduce legislation requiring lobbies to register and to make a public disclosure of interest. Following this, as a supplementary to the exchange between Mr Macmillan and Mr Edelman in April 1963 he requested Mr Macmillan to look further into the matter of some overseas Governments employing paid representatives, with a view to registering these representatives as lobbyists, and to look in particular at the use of private dining rooms downstairs in the House of Commons. Mr Macmillan, in a somewhat more conciliatory tone than that used in addressing Mr Edelman, assured the Leader of the Opposition he would look into the points mentioned, but gave no promise of immediate or future action.⁹

To trace further the events in Hansard in a strict chronological fashion would be as unrewarding as it would be disjointed. The

continuing discussion of parliamentary concern concentrates on analysing and interpreting the trends and questions which emerged from a systematic search of Hansard as described in Chapter 2.

Parliamentary Questions, both oral and written, were the main overt vehicle by which parliamentarians raised the issue of Members' interests in the House during this period. At least as important as the main Questions were the supplementaries, the present use of which Chester and Bowring, in their study of Question Time, describe as a 'safety valve' with Question Time itself being 'one of the rare occasions when backbenchers can create an opportunity both to address the House and to deal with a specific matter that interests them'.¹⁰ The issue of Members' interests during the period 1960/1961 - 1969/1970 produced about 30 Questions and supplementary Questions from 15 Members (10 Labour and 5 Conservative). An analysis of these Questions by party indicates distinct differences in the approach to the issue by the two main parties, though the number of Questions is not large and any suggestion of firm trends must await the analysis of additional data. It also gives some indication of the Government's conception of the problem during this period.

The 10 Labour MPs¹¹ asked between them 25 of the Questions or supplementary Questions. Two of these Members - Mr Arthur Lewis and Mr William Hamilton - asked over half of this total, with 6 and 9 Questions respectively. Mr Lewis, who for many years held the record as the most persistent questioner,¹² focussed his Questions on official visits or parliamentary delegations overseas.¹³ Mr Hamilton, on the other hand, concentrated his efforts on pursuing demands for a Register of Members' financial interests. The continuing theme of his Questions was to press the Prime Minister of the day for legislation to establish such a register.¹⁴ He also foreshadowed an issue considered by the Select Committee in 1969, by asking the Lord President to amend the Standing Orders of the House, 'to ensure that at Question Time hon. Members shall declare any pecuniary interest in Questions asked'.¹⁵ Before this he had asked the Prime Minister whether, in the light of recent developments, he would appoint a Royal Commission to inquire into the possibility of a register of pecuniary interests. Mr Wilson had replied that such machinery would be inappropriate, and had indicated that his conception of the problem was mainly one of the public relations activity by adding:-

'I think that the incorruptability of the British Parliament is widely recognised all over the world, whether there is such a register or not. I think that the only problem which has arisen from time to time, and it has been debated and discussed, is the need for hon. Members on both sides of the House to know, if they are approached by another Member, or entertained by him, whether he has any particular interest on the public relations side.'¹⁶

A characteristic of the Labour Questions on Members' interests is that they all asked for some kind of action on the part of the Government. The invariable response of the Government - regardless of party - was to stonewall such questions.¹⁷

Only 7 Questions on Members' interests were asked in the same period by Conservative MPs. The total comprised one Oral Question and 6 supplementaries, spread between 5 MPs.¹⁸ With only one exception (see below) they were not requests for changes in the regulation of Members' interests, but were mostly supplementaries endorsing the integrity and honour of the House, and drawing attention to the impropriety of the original Labour Questions.

In 1966 the philosophy underlying Mr Hamilton's (Lab) questioning was challenged by Sir R. Cary (Cons), who regretted the implication that an association with a union, company, or institution outside the House was wrong.¹⁹ This line of argument was pursued and given a sharper political edge by Sir G. Nabarro (Cons), who, following Sir R. Cary, disassociated himself from the impurities alleged by Mr Hamilton, but asked whether the Prime Minister agreed that useful progress in the matter could be made if the financial subventions of Members of the House acting on behalf of and with trade unions were publicly declared. A distinct party position, despite traditional government claims that Members' interests are a House and not a party issue, was equally visible in Mr Wilson's reply:

'I think that one of the basic facts of the political situation, particularly in regard to trade union relations with the Labour Party and the Parliamentary Labour Party on the one hand and the business affiliations of the Conservative Party on the other, is that the facts are all known about the Labour Party. They are not known with regard to the Conservative Party.'²⁰

The one Conservative Member to ask critical questions requesting positive action upon the issue of Members' interests was Sir Derek Walker-Smith, who was later to become a member of the 1969 Select Committee. Possibly drawing upon his experiences as a former chairman of the National

Advisory Committee on Local Government, in successive years he asked supplementary Questions pointing out the marked discrepancy between the rules governing Parliament in the area of financial interest and those relating to local government; the latter being much more stringent.²¹ To some extent glossing over the implication of a double standard, Mr Wilson sought to justify the discrepancy by locating the difference in the nature of the bodies, the House being a legislature whereas members of a local authority are responsible for executing as well as for making policy.²² He argued that this functional difference self-evidently justified the need for stricter rules for local government.

In addition to Parliamentary Questions, 3 Early Day Motions on the subject of Members' interests were tabled during this period. Two of these expressed a wish for a register of Members' financial interests; while the third sought to formalise the convention of declaration of interest and extend it to Parliamentary Questions. All were sponsored by Labour Members, and the small number of signatures they attracted²³ similarly belonged, with only one exception,²⁴ to Labour Members.

Frustrated in his attempts to persuade the Government to introduce legislation establishing a register of outside business interests of MPs, in 1967 Mr Hamilton introduced a Private Member's Bill under the ten minute rule (S.O. 13) with this objective.²⁵ Although not an intrinsically significant step forward in the sporadic campaign for a register,²⁶ the publicity function of this Bill renders it a useful illustration of extremes of opinion on the issue of the register. It also had the effect of provoking the Liberals into establishing a register limited to their own party.²⁷

Introducing the Bill, Mr Hamilton accepted that British public political life was probably freer from corruption than any other country in the world, but criticised the tendency 'to accept that all too smugly as a self-evident proposition, without requiring positive proof of it'.²⁸ His assessment of the situation led him to conclude that:-

'The mere observation of the House's convention to declare one's interest when speaking in debate is not enough. That is so because, firstly, the interested Member may not choose to speak; secondly he can exert greater influence behind the scenes than he can in public debate; and thirdly, he does not have to declare an interest in asking questions in the House.'²⁹

Mr Tom Iremonger (Cons) in asking the House to refuse Mr Hamilton leave to introduce the Bill argued that moves to establish a register would impugn the integrity of the House by casting an aspersion upon the honour of the House collectively, and:-

'if there is one quality which the House has demanded from its Members - it is the quality which it has made a synonym for Membership - that is the quality that a Member has when he is entitled to be named by other Members in the term "honourable Gentleman".'³⁰

His argument extended from principle to procedural detail and played on the definitional problems surrounding the concept of 'interest'. Expressing confidence in existing conventions, he argued that, 'in so far as interests and actions in this House are definable and demonstrable, Erskine May is both clear and full on the subject'.³¹

During the 1960s two cases of alleged breach of parliamentary privilege occurred which also drew attention to the issue of Members' interests. The first, concerning Mr William Warbey (Lab), arose in February 1965 and ventilated some of the potential problems and areas for mis-interpretation surrounding MPs visiting foreign countries or accepting hospitality from foreign Governments.³² The second concerned words and sentiments uttered by the then Chancellor of the Exchequer (Mr James Callaghan) in a speech made in Swansea in July 1965. Raising the complaint in the House,³³ Sir R. Cary (Cons) cited the Daily Telegraph, which reported the Chancellor, when referring to certain Members' contributions during the passage of the Finance Bill, as saying:-

'... he did not think of them as the honourable Member for X, or Y or Z. "I look at them and say Investment Trusts, Capital Speculators or That is the fellow who is the Stock Exchange man who makes profit on Gilt Edge. I have almost forgotten their constituencies, but I shall never forget their interests. I wonder sometimes whom they represent? The constituents or their own friends particular interests?"'

The Speaker ruled there was a prima facie breach of privilege. However, the House was seriously divided on referral to the Committee of Privileges, with several Members (Mr Michael Foot included) criticising the House for being far too sensitive about such matters and recommending that the whole issue of privilege be re-examined. On a narrow majority the matter was referred to the Committee of Privileges who found the Chancellor's words ambiguous, but after further explanation on his part - that nothing in his speech was intended to be derogatory to Parliament - did not find a contempt of the House and recommended no further action.³⁴

A change in direction?

Against a background of successive ministerial refusals to meet increasing but still sporadic requests for action, a distinct change in the tempo of the campaign can be detected in the Prime Minister's reply to a Question from Mr Hamilton in October 1968. In answer to whether he would now reconsider the desirability of introducing legislation to provide for a public register of Members' outside interests - especially where such interests involved foreign Governments - the Prime Minister assured the House that the Government were urgently inquiring into the issues raised.³⁵ Considering that three months earlier he had specifically refused to countenance any change in the arrangements regulating Members' interests, the question arises as to why this apparent change in direction occurred.

The Prime Minister's statement of 26 March 1969,³⁶ concerning the results of the Government's inquiry, gives some indication of the official explanation for the change in Governmental thinking and their eventual decision to recommend setting up a Select Committee on Members' interests. He stressed that the Government had found two separate strands to the problem. One was the position of Members of Parliament who, by virtue of a prior connection with a domestic or overseas body, were involved in matters which were the concern of Parliament and of Government. The position of such Members, he insisted, should be made clear in all matters which affected their responsibilities to the House and to their Parliamentary colleagues. This was an issue for Parliament, and after consultations with Opposition Parties the Government had decided to set up a Select Committee to consider the rules and practices of the House of Commons in relation to the declaration of Members' interests and to report.

The second issue of concern related to the operation of public relations and other organisations holding an account or commission on behalf of an overseas Government, or an overseas political interest. This concern existed whether or not they employed MPs on any basis. With respect to bringing such activities into the open the Prime Minister pointed to the problem of reflecting 'a fair balance between the protection of Parliament and the public on the one hand and a free and legitimate expression of opinion on the other'.³⁷ In an effort to find this balance he proposed to initiate discussions with Opposition parties regarding proceedings on this issue.

On behalf of the Opposition Mr Heath signified his willingness to participate in discussions - via the usual channels - both on the form of the Select Committee and on the second point, but sought assurance from the Prime Minister that the purpose of the Select Committee was to consider the efficacy of present arrangements for declaration of interest by MPs, not to imply that there was anything improper about Members having outside interests as such. Wilson replied in the affirmative, '(t)hat is exactly the position as I see it'.³⁸

During the predominantly backbench exchanges which ensued from this statement, the relevancy of Members' remuneration and facilities to a review of Members' outside interests was raised by Mr Eric Lubbock (Lib), but dismissed out of court by the Prime Minister as taking the issue, 'wider than is necessary'.³⁹ Similarly the controversy concerning full-time versus part-time membership surfaced momentarily with Mr Norman Atkinson (Lab) pressing the Prime Minister to refute Mr Kenneth Lewis's (Cons) suggestion that, 'we are part-time Members, and are paid as such'. In line with successive Prime Ministers, and lacking the guidance of the recommendations of the Boyle Report in 1971, that MPs should be regarded as working on a full-time basis,⁴⁰ Mr Wilson replied diplomatically, though somewhat inconclusively, 'some are part-time while others have no other outside interests'.⁴¹

Extra-parliamentary pressure

Whilst setting out the problem as seen by the Government, Mr Wilson's statement gives little indication of the reasons for the apparent change of mind. Certain clues are evident in Mr Hamilton's Question in October 1968; particularly in his framing his request in the words 'will the Government now reconsider the matter' (i.e., will they reconsider it in the light of recent events) and in his stress on interests which involve foreign governments. For further clues, the search must turn to extra-parliamentary sources.

In 1961 the Sunday Telegraph had reported that, 'it is strongly felt in government circles that some MPs have failed to make clear the distinction between their private roles as businessmen and their public positions as Members of Parliament'.⁴² This fear was evoked by a Labour MP, Mr Francis Noel-Baker, in a controversial article for Parliamentary Affairs appearing in the same year.⁴³ He referred to the 'grey zone' of business interests in Parliament; particularly developments in

public relations activity and advertising which highlighted new aspects of the problem and left the door open 'for a new form of political corruption'. The theme of disquiet in the House of Commons about the extent to which MPs were beholden to, and used by, outside interests of a commercial or political character, was revived sporadically in newspaper reports and was confirmed retrospectively by Mr Hamilton, who pointed out how MPs could be hired by P.R. firms engaged by foreign countries to promote their image - to present an obnoxious foreign power in a favourable light:-

'by asking Questions, initiating debates, making representations to government departments, establishing a parliamentary group to build up friendly relations via cocktail parties, dinners, and lunches, and even free trips to the countries concerned.'⁴⁴

During the 1960s several academic writers, notably Professor S.E. Finer⁴⁵ and Professor P.G. Richards⁴⁶ responded to such disquiet by advocating a register of interests. This objective was also strongly countenanced by Andrew Roth, lobby journalist and author on the grounds that:-

'The answer lies not in the researches of private enterprises such as our own, but in publicly-available full disclosure by each M.P. of all his private business connections.'⁴⁷

The newspapers generally lagged behind in the demand for a register, and in 1967 The Times editorial still came out against a register arguing that:-

'For the Commons to declare that a register of its Members' pecuniary interests is now needed would be for the Commons to imply that its Members can no longer be trusted to behave with honour and discretion in a way that once they could. It would be corporately self-insulting.'⁴⁸

However, by March 1968 confidence and trust in the corporate honour of Parliament seems to have waned at The Times, who now grudgingly admitted:-

'Any system of this sort must, of course be distasteful. But a position has now been reached where it is regrettably necessary to risk this unpleasantness [a register] for the sake of Parliament's good name. Unless information about such lobbying is brought into the open, Members who are completely disinterested are liable to find their enthusiasm and their judgment under totally unfair suspicion.'⁴⁹

Thus, as was similarly apparent from the parliamentary data analysed above, certain events seem to have occurred during 1968 and early 1969 which intensified demands for, or changed attitudes towards, the regulation of Members' interests.

While Hansard casts little light on these events, the newspapers themselves are more revealing. In August 1968 the Sunday Telegraph 'leaked' that Cabinet Ministers were considering legislation to force into the open political pressure group operators and professional lobbyists who try to put pressure on MPs or civil servants, commenting generally that what had brought the issue to the forefront was the growing suspicion that vested interests were financing the welter of propaganda and counter propaganda about the war in Nigeria; the Biafrans in particular were believed to be assisted by heavily-financed public relations firms.⁵⁰ The newspapers also made a good deal of parliamentary visits to Rhodesia in this same winter, during which the position of the white minority was fully explained. However the incident which aroused most press interest at this time, and which the Sunday Times retrospectively singled out as the event provoking the controversy which prompted Wilson to set up the Select Committee was the Bagier affair.⁵¹ This event would also seem to be a plausible explanation for Mr Hamilton's particular reference to interests involving foreign Governments.

The Bagier affair

The Bagier incident highlighted the problem that:-

'While foreign travel is of great value for informing M.P.s about world problems, circumstances frequently arise when such trips, organised and paid for by foreign interests, raise delicate problems of propriety and personal judgment.'⁵²

In mid-1967 the Greek colonels, sufficiently concerned about the tarnished image of their regime following their coup, decided to employ a public relations firm - Maurice Fraser and Associates - to 'sell' Greece in Western Europe. Among his various activities on behalf of the Greek colonels, Fraser arranged for groups of people - including 11 MPs (6 Labour, 4 Conservative and 1 Liberal) - to visit Athens on trips paid for by the Greek Government. Included among these MPs was Mr Gordon Bagier (Lab. Sunderland South).⁵³ Bagier was later put on the payroll of Maurice Fraser and Associates as a consultant at £500 per annum with a formal task to look for new business for the firm; the relationship was not disclosed. In the course of events Fraser had to justify his costs to the Athens regime, and it was his 'fifth report' to Athens which led to legal action between Fraser and the Sunday Times before the latter were able to print the document. Along with the Sunday Telegraph they produced one of several versions of the report which were currently circulating.⁵⁴

The report became dynamite because of one entry, partly mis-spelt, under the first section, headed 'organisation'. In listing people concerned it included reference to 'A British M.P., Lobbyist' (sic); and commented that:-

'We have to disguise the identity of the British M.P. who is our lobbyist as this would compromise him. His name will be made available to the [Greek] Prime Minister.'

In other versions of the report the sentence read, 'A British M.P. working behind the scenes with the object of influencing other British M.P.s'.

Fraser maintained that the MP was not being paid and that his main role was acting as 'linkman' between the Commons and Fraser's own office; alerting him whenever the topic of Greece cropped up in the House. As one of the MPs suspected of being Fraser's 'lobbyist' Bagier was approached by the Press. He denied his involvement and further suggested the claim that Fraser had a British MP in the pay of the Greek Government was 'quite fantastic'.⁵⁵

In September 1968 The Times reported that Mr Ivor Richard (Lab) intended to raise as a prima facie breach of parliamentary privilege the alleged employment of an unnamed British MP to bring secret influence to bear on his fellow MPs on behalf of the Greek military Government.⁵⁶ The issue was not actually raised as a breach of privilege as it was held to involve the consideration of 'wider issues'. However, the revelations of the affair did result in Maurice Fraser Associates losing their account with the Greek Government, and more significantly the Institute of Public Relations suspending Fraser from membership of the Institute on the grounds that he had violated the standards of professional conduct as laid down by the Institute and had brought the Institute into disrepute.⁵⁷

The case surfaced again in March 1969 when, because of continuing interest in the problem the This Week programme run by Thames Television produced a programme (somewhat emasculated by the Independent Television Authority)⁵⁸ during the course of which they intimated Bagier may have been the secret lobbyist in the Fraser Report.⁵⁹ The Times the next day⁶⁰ reported that Bagier had made a statement to the press admitting that he had visited Greece at Fraser's invitation and that in May 1968 he was invited by Fraser to accept a retainer as a Parliamentary Consultant, resigning in October 1968. This salary and commission, he stressed, related purely to new business in the field of public relations which

resulted in contracts and was not connected in any way with the Greek regime - 'I have made no speech in the House with reference to the situation in Greece, nor have I made any representations to any Government department'.⁶¹

He also widened the issue himself by going on to say:-

'There are many M.P.s who combine their Membership with business or professional activities outside and this does not in any way affect their conduct as Members.'

This broadening of the specific case to wider issues is significant because as explained in Chapter 1, it has been suggested that the prospects for reform of the political process brighten if the alleged act of wrongdoing can be linked to some basic defect in the system.⁶² In this case the specific incident of the Bagier affair occurred on the tide of, and served to hasten, the growing lack of confidence in Parliament's existing methods for regulating Members' interests. As the parliamentary and extra-parliamentary data above suggest, Members (and certain organs of the media) who had previously been content to rely upon the constraint of 'mutual trust' were stung into reconsidering the need for a register, and previous demands for such a device became more vociferous.

Was then the exposé of the Bagier affair the event, if not the 'public scandal' in British politics, which persuaded ministers to set up the 1969 Select Committee on Members' interests? The Crossman Diaries lend some support to this view but also show the hesitancy of the Labour Government's response to the Bagier revelations. Crossman records⁶³ that when he looked into the Bagier scandal as Lord President he had felt that the subject was not one on which the Government could act alone because it would involve parliamentary privilege and would be unpopular. He had written to the Prime Minister recommending the whole issue of public relations firms working for foreign powers and of MPs declaring an interest if they worked for such firms should be submitted to a Special Select Committee to advise the Government on whether legislation was required. The minute was, however, lost on its way to No.10 and Crossman suspected that his proposal would have stood no chance at the Cabinet's Procedure Committee.

Crossman records that Mr Wilson had wanted to act along the lines he proposed but that two Cabinet Ministers, Mr James Callaghan and Mr Richard Marsh, had argued:

'What do we get out of this? All we shall do is expose the two or three other Labour M.P.s who may well have been working for P.R. firms. If we set up a Committee of Inquiry into this, don't we merely damage the Government at this stage?'⁶⁴

This is an interesting insight for, despite government rhetoric that Members' interests are an issue for the House as a whole to decide, this clearly shows that the initiation of any action on which the House may have had to decide was clearly considered tactically in terms of Government and Party advantage - not that this comes as any great surprise.

Crossman himself wanted to expose public relations firms' activities, not MPs, and advised the Cabinet:-

'Let's get the House of Commons to have a special look at public relations firms acting for foreign governments. Let's have an exposure of this American public relations firm in Geneva and what they're actually up to not an inquiry about the Members.'⁶⁵

As we have seen, when the Government eventually announced their intention it was for a Select Committee on Members' interests, with the specific topic of public relations firms somewhat relegated to inter-party discussions.

Further evidence of the significance of the Bagier case as the precipitating factor in the setting up of this Committee is to be found in its Report. When discussing the proposal of a register restricted to Members who acted as consultants for public relations firms, the Committee, without naming Bagier, alluded to the affair saying:

'A register of these activities, an example of which led to the appointment of Your Committee, would, it was said, alert the House to their existence so that they could be taken into account.'⁶⁶
(my emphasis)

The Clerk to the Committee, when interviewed, confirmed this statement. He recollected that both parties had been worried about MPs with public relations connections, or visiting foreign countries, accepting hospitality, and then 'advocating' the cause of the regime in Parliament. He recalled the Bagier case as the specific problem which occasioned the setting up of the 1969 Select Committee.

Motion to set up the 1969 Select Committee

On 14th May 1969 the Government tabled the motion to set up the Select Committee on Members' Interests (Declaration):-

'That a Select Committee be appointed to consider the rules and practices of the House in relation to the declaration of Members' interests and to report thereon.'⁶⁷

This was accompanied by the second motion nominating the members of the Committee.

The first motion was not moved until 11.6p.m. When interviewed the Chairman of the Committee pointed out that motions of this kind are usually taken at the end of the day and that with a crowded agenda the Chief Whip would tend to put 'non-controversial' items after main business. However, although attesting to a crowded agenda - particularly the Parliament (No. 2) Bill which dislocated the session, the proposed Industrial Relations Bill and the House of Commons (Redistribution of Seats) (No. 2) Bill - other key informants suggested that the timing of the motion reflected the fact that the 'Whips smelt trouble'.

The debate on the motions lasted for little more than 2 1/4 hours and, perhaps reflecting the fact that by May 1969 it was generally agreed that a Select Committee was inevitable (after the Bagier affair), both motions were agreed without division. The debate revealed once more the prior assumptions with which the Government (and many backbenchers) approached the issue and additionally allowed interested backbenchers to ventilate their views.

Moving the first motion to establish the Select Committee the Leader of the House (Mr Peart) gave recognition to the growing disquiet among Members regarding the adequacy of present rules and procedures on the disclosure of Members' outside interests. Indeed an exchange between the Leader of the House and Sir Harmer Nicholls (Cons) on an interpretation of Erskine May - whether the provision for declaration referred to speaking to an issue or voting in a debate - illustrated the disagreement and confusion which existed even among long-serving Members. In contrast to Mr Iremonger (Cons) who two years earlier had commended the comprehensiveness and clarity of Erskine May on the subject of Members' interests, on this occasion Mr Peart remarked that:-

'... considering the importance of this matter, the outstanding feature of Erskine May in this field is its narrowness, its imprecision and its extreme brevity.'⁶⁸

However, he deftly removed the sting from his criticism by affirming the persistent theme in the history of the declaration of Members' interests that ultimately the solution lies not in rules but in the honesty, integrity and self-discipline of individual Members:-

'Essentially of course, the underlying assumption has been and always must be that hon. Members can be relied upon to assess these delicate matters in an honourable and proper way and that detailed

rules are undesirable and unnecessary. From my long experience in this House I believe that this is right.'⁶⁹

He stressed that the establishment of the Select Committee did not imply in any way that Members should not have outside interests, nor did it indicate a lowering of the high standards traditionally observed by the House. It merely signified that there had been a recent growth in the extent and complexity of 'borderland' Members' interests. With this in mind he indicated the proposed Select Committee would be composed of senior and experienced Members of the House, on similar lines to the Committee of Privileges. Referring to the second part of the Prime Minister's statement, he reported that discussions were still continuing through the usual channels. Although the Leader of the House had acknowledged the growing disquiet among Members, his speech had made no reference to growing fears concerning the possibility of corruption or corrupt practices. These terms, however, gained currency in the debate via backbench comments. Mr Hamilton asserted that the only way to convince the public that Parliament was uncorrupt and incorruptible was to provide a public register,⁷⁰ whilst Sir Douglas Glover (Cons) argued to the contrary that the very fact this debate was being held showed that many honourable Members did not think the House was incorruptible.⁷¹

Members speaking both for and against the motion frequently sought refuge in arguments of privacy and publicity, with Mr English (Lab)⁷² advocating the case for greater publicity on the grounds that government in this country has changed:-

'It is not a little House of Commons that sits in secret and does not allow its matters to be published... It is a public representative body which represents the whole of the people of the United Kingdom.'⁷³

Therefore he argued that:-

'The important point surely is not whether hon. Members know the interests of other hon. Members... The important thing surely is whether members of the public know the interests of hon. Members.'⁷⁴

The recurrent controversy over the desirability of full-time or part-time MPs surfaced, with Mr Michael English recommending a combination of full-time and part-time Members;⁷⁵ Sir Harmar Nicholls (Cons) promoting the continuance of part-time Members as bringing 'first-hand experience' to the House;⁷⁶ and Mr James Dickens (Lab) insisting, to the contrary, that the requirements of modern government necessitated full-

time membership of the national legislature.⁷⁷ Mr John Pardoe (Lib) voiced support for the latter view and in doing so attempted to include in the debate discussion of Members' remuneration; himself believing that inadequate pay for backbenchers encouraged, if not forced, them to take outside interests:-

'The method of remuneration and the need for outside interests has a real affect on the quality of Members of Parliament. We tend to be a shrine to the cult of the amateur and it does not do the country any good, nor the balance between the Executive and the legislature any good.'⁷⁸

The Leader of the House resisted such attempts to widen the debate, and in defence of confining discussion within narrow limits he attempted to mollify his opponents by saying that he agreed with many of the complaints made but that, '(a)ll I say is that this is not the occasion on which we should debate those matters'.⁷⁹ However, as Mr Hamilton retorted:-

'It is all very well for my right hon. friend the Leader of the House to make favourable noises and say that we have had a good debate and that many valuable points have been made. They have been made for years, with no obvious effect, because I do not think that the Government - any Government - are interested in providing facilities for backbenchers the more adequately to challenge the Executive.'⁸⁰

When interviewed, Mr Peart (now Lord Peart) retrospectively argued that the root of the problem was the low pay of Members which necessitated them taking outside interests, and he claimed that as Leader of the House he had been in favour of providing MPs with an adequate salary. However, as shown, on this occasion he dismissed, or was himself compromised on, the issue of Members' remuneration, perhaps illustrating the problem of the dual-capacity of Leaders of the House who have to work both for the good of the House and for the good of the Executive. To have allowed inquiry into Members' remuneration and facilities may have favoured the lot of Members, but may also have rebounded on the Executive by altering the balance between the Executive and Legislature to the advantage of the latter. This problem of the dual-capacity of Leaders of the House involving potential conflict between allegiance to backbenchers and to the Government was affirmed by another former Leader of the House, Mr Edward Short (now Lord Glenamara). When interviewed, he illustrated the problem by referring to the practice of the Leader of the House announcing the next week's business at the end of Prime Minister's Questions on Thursday afternoons. Although he makes

this announcement as Leader of the House informing backbenchers, this time has almost become an extension of Question Time with MPs asking most questions on government policy rather than on the nature of next week's business and this forces the Leader of the House into the role of party politician defending Government policy.

Imputations of ulterior motives on the part of the Government extended to criticism of the second motion, nominating the members of the Committee. Several Members objected to the composition of the Committee and wished to know more about the manner of selection;⁸¹ Mr Arthur Lewis moving two amendments to give the Leader of the House the opportunity to explain why - with the one exception of the Liberal Chief Whip (Mr Eric Lubbock) - all the members were Privy Councillors, and all except one, had, or had had, outside interests. The latter criticism was specifically taken up by Mr John Ellis (Lab) who noted some of the Committee had already discussed the first meeting and that '...at least the first meeting will be held in the afternoon, because they all have jobs or something to do in the morning.'⁸²

Mr Lewis wished to see several backbenchers among the membership and several other backbench Members, though not objecting in principle to the inclusion of Privy Councillors, supported his demand.

Such support came not only from the minority of 'left-wing' Labour MPs who had consistently championed the cause of a register of Members' interests, but also from more moderate Labour Members, Mr Michael English among them. He too considered the Select Committee, denuded of MPs without interests and packed with Privy Councillors was not representative of the House. He wished to know where the suggestion to appoint Privy Councillors came from, and in response to Mr William Whitelaw's (Opposition Chief Whip) retort that the Opposition were invited to chose whom they liked, Mr English cynically remarked:-

'I can only suggest that it is one of the most extraordinary coincidences of this Parliament that on so many issues ... the minds of both front benches have come to think alike when the backbenches have not. In this case, it is an extremely strange co-incidence that my right hon. Friend and the Opposition Chief Whip, entirely independently, arrived at the conclusion that all the members of the Committee should be Privy Councillors.'⁸³

The pessimistic conclusion drawn by these dissenting Members was that the Committee would be a 'safe committee' comprising Members who would tend 'to preserve the status quo, would rather things went on as they always have. They are status quo people'.⁸⁴

In the event Mr Arthur Lewis's amendments were negatived and the House resolved without a division:-

'That Mr George Darling, Mr Patrick Gordon Walker, Sir Eric Fletcher, Mr Eric Lubbock, Mr James Ramsden, Mr G.R. Strauss, Sir John Vaughn-Morgan, Sir Derek Walker-Smith and Mr George Willis be Members of the Committee.'⁸⁵

Part 2: The 1969 Select Committee and its Report

The internal dynamics of the Select Committee

'... the choice of a chairman and the other members of a committee is clearly a matter of great importance from the point of view of the way in which the committee approaches its task and the kind of report which it produces, as well as indicating the motives behind its appointment.'

Gerald Rhodes⁸⁶

Much has been written and much remains to be written about the internal dynamics of select committees.⁸⁷ All members of this Committee (comprising 5 Labour MPs, 3 Conservative MPs and 1 Liberal MP) with the exception of the Liberal Chief Whip, were Privy Councillors and they were indeed senior Members of the House, predominantly with ministerial experience. Two-thirds of them were aged 60 plus at the time of the Committee and, again with the exception of the Liberal Member, the average length of service in the House was 24 years.⁸⁸ Almost all the Committee members had some kind of interest (eg. they included directors, ex-directors, barrister, underwriter, P.R. adviser, author, sponsored Member, etc.).

As usual (except on committees that the Opposition chairs) the senior Member of the Government side was nominated as Chairman. It emerged from interview data that some objection to this choice had been voiced, but that the Prime Minister (Mr Harold Wilson) had apparently favoured Rt. hon. G.R. Strauss on the additional ground that he was, 'a millionaire with no axe to grind'. When interviewed, Mr Strauss described his leadership function as one of 'advising' rather than 'directing' the Committee. Another Member of the Committee described him as the 'motor' of the Committee; an active chairman of an investigatory select committee, not like the chairman of a standing committee who, like the Speaker in the Commons itself, is an umpire applying the rules. Put at its irreducible minimum the chairman's role as 'moderator or traffic policeman of the discussion, as guardian of points of order',⁸⁹ provides the

opportunity for initiative, intervention and leadership denied to other members of the committee and 'quite legitimately, a chairman may by the use of his discretion assist or retard some particular course of action'.⁹⁰

Mr Strauss himself described the essential feature of a committee's functioning as the 'interplay between the clerk, the chairman and the committee', with the clerk being the 'lynchpin' in the process. The clerk is both the servant of the whole committee and adviser to the chairman, drafting the chairman's report and anything else which is required (in this case he drafted the Liberal 'minority' report) and highlighting any points at the request of the committee. However, in the last analysis '(a) secretary may give his advice, a chairman may give his ruling but the committee has the last word',⁹¹ and this brings us back to the membership question. Two views of the membership of this Committee have been encountered so far: firstly, that the Committee would benefit from their background as long-serving Members and from their first-hand experience of problems which may arise; and secondly, that older Members in fairly safe seats would be staid, less ready for change and would thus be essentially 'status quo' people. Further comment must wait until after a consideration both of the procedure of the Committee and of its Report.

The Committee held a total of 11 meetings 'to consider the rules and practices of the House in relation to the declaration of Members' interests and to report thereon'. At the first meeting the motion was made and the question put by Sir J. Vaughn-Morgan, that the Committee should meet on Tuesdays at half-past four o'clock. An amendment was proposed by Mr Eric Lubbock to leave out 'Tuesdays at half-past four' and insert 'Wednesdays at half-past ten'. In the light of earlier comments by Mr John Ellis (Lab) that the Committee had already decided to hold at least the first meeting in the afternoon because they all had outside interests of some sort to pursue in the morning the question arises as to whether Mr Lubbock's amendment was a 'gesture' indicating his disapproval of outside interests. When interviewed Mr Lubbock (now Lord Avebury) confirmed that this was so.⁹² The amendment was defeated by 5 votes to 3 and the Committee resolved to meet on Tuesdays at half-past four o'clock (the only dissenter to the main question being Mr Lubbock).

When interviewed, the Chairman of the Committee refuted the suggestion that the Committee had been set up with narrow terms of reference, and insisted that these had been based on issues raised by backbenchers and that in any case the Committee could go outside its remit and ask questions on any related matter. The Clerk, however, departed slightly from this view and said that the Committee had been bound by its terms of reference, but that there had been scope for interpretation eg. the terms were wide enough to enable discussions of the possibility of a register. He acknowledged the limitations of the Committee's Report, but given the fact that even with a restricted perspective the Committee had produced a substantial document suggested that practical constraints cast the Committee in the role of a 'searchlight' for an area giving trouble rather than an exhaustive inquiry providing definitive answers.

The 1969 Select Committee Report⁹³

The Committee opened their Report by explicitly spelling out the limits they chose to place on the scope of their order of reference. Evidence was received on four 'related matters' which in the Committee's view lay outside their remit. Significantly these areas included two aspects of the problem which, as shown above, had been consistently raised by backbenchers and dismissed out of court by the Government.

The first was the issue of Members' remuneration which the Committee acknowledged as an important topic but beyond their proper concern which was specifically with the declaration of Members' interests⁹⁴ (thus disregarding the possible connection between the low-pay of Members and their pursuing outside interests). Again it must be remembered that this Committee sat before the first Report of the Top Salaries Review Body in 1971, which looked at Ministers of the Crown and Members of Parliament.

The second area to be excluded was the fundamental question whether MPs ought to have outside occupations in addition to their duties as MPs. The Committee had been advised by the Leader of the House that, 'I hope it will not be thought that Parliament or myself as Leader of the House, or indeed I think the Prime Minister, object to Members having outside interests'.⁹⁵ They concluded that most witnesses (with the specific exception, however, of Mr E.J. Milne MP who argued the contrary case)⁹⁶ had testified to the benefit derived by the House from the variety of knowledge and expertise gained from outside interests, and therefore

they felt it unnecessary to pass judgment on the issue. Thus built into the Report was the question-begging prior assumption of the propriety of MPs having outside interests.

The other two areas specifically ruled out were consideration of the rules and practices which govern, or should govern, the private interests of ministers either while holding office or subsequently, and the specific workings of domestic or foreign organisations, firms, companies etc. except to the extent that the personal pecuniary interests of Members were involved. Presumably, the inter-party talks announced at the same time as the Select Committee were intended to look further into the latter area.

In outlining the problem as they saw it the Committee drew heavily on the Prime Minister's statement of 26th March, and similarly identified (and ultimately built into their two main recommendations) two separate issues: firstly, the recent doubts about Members having a paid connection with an outside interest involved in matters which are the concern of Parliament and of Government; and secondly the activities of organisations (particularly public relations firms) holding an account on behalf of an overseas Government or political interest, whether or not they employed British MPs. In a climate of all-party anxiety, amplified by Members giving evidence,⁹⁷ they confirmed that:-

'Your Committee recognise these apprehensions. A number of recent incidents seem to them to raise the question not only whether the interests concerned should have been disclosed but also how far activities on behalf of those interests are within the existing rules of the House governing the proper scope of a Members pecuniary interest.'⁹⁸

The remainder of the Report was presented in three parts: a survey of the relevant law, practice and procedure of Parliament and consideration of its adequacy today; consideration of new machinery which might improve present practices; and consideration of a code of conduct for Members. The ensuing discussion of the Report will retain these divisions.

The present law, practice and procedure

Much of the substance of this section of the Report has been documented in Chapter 3 of this study and will therefore not be repeated here. However, the Committee's comments on the adequacy of existing rules and conventions provide a valuable insight into their perception of the problem.

(i) Payments and rewards to Members

The Committee were insistent that the traditional distinction between illicit forms of payment which had been the subject of action by the House in the past and the financial assistance received by Members (eg. payments made to the constituency parties of certain Members by Trade Unions and Co-operative Societies) remained valid - the essential difference being that payments in the first category were offered or accepted in relation to specific measures coming before the House; the second category were not.

They concluded that the resolutions of the House restricting professional advocacy were too narrow in relation to modern conditions and could not be held to provide a clear code of conduct for Members who belonged to professions other than the Bar, and still less for Members with more tenuous connections with outside interests. This criticism formed the basis of the Committee's second recommendation (see below).

(ii) Voting

The Committee reinforced the criticism previously voiced by the Select Committee on the House of Commons Disqualification Bill 1956⁹⁹ that the practice and procedure of the House on voting with a pecuniary interest was obscure and not well understood by Members - a common confusion occurring between the practice governing voting with a pecuniary interest (which the Committee found clearly described in Erskine May but of limited application) and the custom of declaring an interest prior to speaking in debate (which they found imprecise and of uncertain origin). They met the criticism that successive interpretations of Mr Speaker Abbot's ruling of 1811 had rendered the ruling for practical purposes null and void with similar arguments to those used by the 1896 Select Committee on Members' Interests, that to replace the ruling with a standing order defining a pecuniary interest would be impractical, too rigid and might even facilitate the improper use of votes. Therefore they recommended no change in the current system based on Mr Speaker Abbot's ruling, commending it as 'an appropriate framework within which Members can carry out their primary representative function of voting on issues of National scope and extent'.¹⁰⁰

(iii) Declaration of interest

The thrust of their criticism was reserved for the existing custom of declaration of interest, which they considered lacked comprehensiveness

and clarity. Current practice raised two particular problems - first what kind of interest should be declared, and secondly when should an interest be declared? With regard to the latter problem they noted the Leader of the House's suggestion that the present practice was defective in not extending to advocacy by Members at informal committees or gatherings, or matters for which they were receiving payment.¹⁰¹ Unlike the practice governing voting with a pecuniary interest, the custom of declaration has not been dealt with by Erskine May or the Manual of procedure, largely because of the prevalent assumption that hon. Members can be relied upon to assess such delicate matters in an honourable way and that detailed rules are undesirable and/or unnecessary. Although agreeing in principle with this assumption, the Committee nevertheless felt that if rules had to exist, then it was far better that they should provide a clear and comprehensive guide. Thus they recommended clarifying and extending the present practice and tackled this task in their first recommendation (see below).

Register of Members' interests

Prior to formulating their recommendations the Committee deliberated on how such clarification and enlargement could be achieved. As noted above their terms of reference were flexible enough to enable them to consider the possibility of a register, which, as has been seen, was the objective canvassed both by a small but vociferous group of predominantly Labour Members and by extra-parliamentary sources, notably the press.

Encouraged by Andrew Roth's judgment that a register of Members' interests 'would make it easier for honest spokesmen of serious interests to conduct their necessary dialogue',¹⁰² the Committee were willing to inquire into this possible solution. They received evidence which fell largely into two groups - proposals for Members' to register their interests; and proposals for outside persons or organisations to register details of payments or benefits made available to Members.

In the first category they considered a proposal that the register should be a duplicate of the relevant part of each Member's income tax form. Much official argument, including that of the Leader of the House and the Clerk of the House, had been lodged against this suggestion on the grounds that it would be an invasion of privacy and 'would place a Member in a position different from any other of her Majesty's

subjects by revealing his entire financial arrangements'.¹⁰³ The Committee also believed that this procedure would involve insuperable practical problems.

A further suggestion, for a register based on sources and level of income, was furnished both by Mr Andrew Roth and Mr William Hamilton MP, who produced two alternative schemes.¹⁰⁴ Both schemes, though differing in emphasis, included shareholdings above a basic minimum and this criterion was similarly challenged on the grounds of invasion of privacy and of differentiating MPs from other citizens 'in an unusual and perhaps undesirable way'.¹⁰⁵ It was also pointed out in evidence that this category could be easily evaded unless wives and children were similarly subject to disclosure. On this issue the Leader of the House had informed the Committee that 'I do not think that the House is thinking in terms of people like this'.¹⁰⁶

A more limited proposal was made which would restrict registration to MPs who acted as consultants. The Committee acknowledged this would cover the type of activity which had led to their appointment (i.e. the Bagier affair) but expressed doubt on how the association of a Member with a public relations firm could be defined.¹⁰⁷

As a general comment on enforcing or maintaining any type of register of Members' interests the Committee concluded that a voluntary register would be an impracticable basis for registering the interests of Members generally (in contrast to one confined to Members of a small party i.e. the Liberal Party register¹⁰⁸) but that a compulsory register, with its implication of sanctions would carry the possibility of placing the House in the difficult position of having to discipline its own Members.¹⁰⁹

The Committee also considered the experience of other Parliaments in dealing with Members' interests. They looked at Canada, France, Sweden and the U.S.A.,¹¹⁰ believing these to represent reasonable coverage of different kinds of Parliament and region, and found that of these four countries only the U.S.A. had a formal procedure for declaration of Members' pecuniary interests.

On balance the Committee concluded:-

'All the registers so far considered would expose to the public view much more information than is declared under the House's present custom of declaring an interest. The object of that custom is, or should be, to inform Members and the public of any financial interest touching an issue which is currently the

subject of a Member's speech or action. It does not require declaration of financial interests irrelevant to their purpose... (A) general register is directed to the contingency that an interest might affect a Member's action. The House's practice is, or should be, aimed at revealing an interest when it does affect it. In Your Committee's view this is right. The public scrutiny of the whole range of Member's financial interest may be a proper activity for journalists, compilers of reference books and academics; it is not essential to the way in which the House conducts its business! 111

Thus they dismissed the possibility of a register not on legalistic or technical grounds - though they said they could have listed even more of such grounds than those given in evidence - but on objections of principle, the choice in their view being 'either to establish a cumbrous inquisitorial machinery which is likely to be evaded by the few Members it is designed to enmesh or to improve and extend the traditional practices of the House.¹¹² They chose the latter course.

With regard to the second category of proposals - for outside organisations to register details of payments or benefits made available to Members, the Committee noted that although the Institute of Public Relations had a prescribed code of conduct for members and machinery for enforcing the code (viz. their suspension of Maurice Fraser) their efforts were hampered because not everyone in this line of business had to be affiliated. Largely because of this fact the Committee doubted the value of trying to develop in conjunction with the Institute a register and code of conduct requiring, among other things, a declaration of the employment of a Member of Parliament. They considered even if the register were confined to lobbying in which there was a pecuniary element - as is the case in America under the Federal Regulation of Lobbying Act 1946 - it would still be difficult to devise a satisfactory basis for a code of conduct in the absence of any generally accepted code within the field of public relations.¹¹³

The Committee had no authority to inquire into the status, rights and powers of the Institute of Public Relations, but they noted that the Institute intended to seek legislation which would require all public relations consultants to obtain a licence to practice. The Committee expressed a hope that when Parliament was invited to consider such legislation, a statutory code of conduct would be included which would specifically require the public disclosure of the employment on parliamentary matters of an MP indicating the object of the employment and the remuneration to be paid.¹¹⁴

A code of conduct

Having opposed the introduction of a register, the Committee returned to the possibility of providing a comprehensive code of conduct to guide Members in the discharge of their duties. They stated that in their view the executive character of the responsibilities of members of local authorities rendered local authority practice in this area inappropriate as a model for a code of conduct suitable for the duties of a Member of Parliament.

They re-affirmed the Leader of the House's suggestion that the convention of declaration of interest should be extended; the logic of their argument encompassing Question Time. However, for what they considered to be reasons of practicality, the Committee chose not to include Questions, thereby perpetuating a gap in the procedures regulating Members' interests, and neglecting what some back benchers considered (and still consider) to be the most crucial area where interests could be misused. The Committee recommended that the House should adopt the general resolution:-

'That in any debate or proceeding 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 of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.'¹¹⁵

This would have the effect of formalising and extending practices which had a historical base, by turning the convention of declaration into a resolution of the House. The words 'or benefit of whatever nature' included in the resolution were indicative of the Committee's desire to broaden the interpretation of 'interest' to cover the growing spectrum of modern rewards, and were expressly intended to cover journeys abroad and associated benefits (the practice of Members making visits overseas not coming within the ambit of the proposed resolution relating to advocacy).

In tackling what they had earlier indicated to be the second strand of the problem, the Committee repeated their criticism of the limited application of the House's resolutions concerning professional advocacy. Once more they highlighted the problem of public relations activity, dwelling particularly upon the temptation to extend the role of the retained Member from one of advice (which was acceptable) to one of advocacy (which was not).¹¹⁶ They recommended that the House should

extend its prohibition on advocacy to all forms of professional and analogous activities by adopting the resolution:-

'That it is contrary to the usage and derogatory to the dignity of this House that a Member should bring forward by speech or question, or advocate in this House or among his fellow Members any bill, motion, matter or cause for a fee, payment, retainer or reward, direct or indirect, which he has received, is receiving or expects to receive.'¹¹⁷

As indicated above the viability of this resolution turned upon the possibility of distinguishing between advocacy of a cause in Parliament for a fee or retainer and the advancement of an argument by a Member who, through a continuing association with an industry, service or concern from which he may obtain some remuneration, is able to draw upon specialist knowledge of the subject under debate. This was a fine distinction but one which the Committee thought could be construed (by, say, the Committee of Privileges if it came to that point).

The Committee concluded that the two resolutions together, backed up by the penal jurisdiction of the House if they were blatantly contravened, would 'prove a reliable guide in all but the most exceptional circumstances'.¹¹⁸ If the code was adopted by the House they recommended a copy should be sent by the Clerk of the House to every Member, and subsequently every new Member. The setting up of a sessional committee on standards of conduct was considered unnecessary, but it was proposed that the Committee of Privileges be invited to comment once a session on the efficacy of the code and report to the House.

The Committee vindicated the pessimism of some of the more ardent campaigners for a register of Members' interests by closing the Report with the somewhat conservative assessment that:-

'A code of conduct comprising these two resolutions, kept under periodic review by the Committee of Privileges and backed up by the ultimate sanction that a serious breach could be held to be a contempt of the House, is the most effective way of regulating the parliamentary activities of Members where these may overlap with their personal financial interests.'¹¹⁹

With hindsight, it is easy to criticise the Committee's assessment of the problem and their recommendations as unduly complacent. However, the Clerk of the Committee explained to this writer that at the time the ultimate answer - a register - did not ever look like commending itself, even after the Committee had looked closely at the U.S.A. experience.

A perusal of the proceedings of the Committee reveals however that a register was preferred by one member of the Committee. Mr Eric Lubbock, the maverick of the group, tabled an amendment to the draft report essentially replacing the Committee's recommendations for a code of conduct with a proposal for a register of Members' interests consisting of a duplicate of their tax returns, and a record of journeys overseas paid for by any government, organisation or individual. In support of his amendment Mr Lubbock reversed the official argument about privacy and claimed that:-

'... once an ordinary citizen becomes a Member of Parliament, he can no longer expect the same measure of personal privacy. His religion, his code of conduct and behaviour and even such personal decisions as the way in which he chooses to educate his children become the subject of legitimate public knowledge and scrutiny. He has chosen deliberately "to live in a glass bowl" and by so doing he accepts a different status from that of other citizens. The exposure to public view of his private financial interests, which would be a factor in his political thinking, would be consistent with that special status.' 120

This somewhat provocative argument was backed up by the proposition that an objective statement of a Member's financial interests would provide the essential basis for anyone else assessing how far a particular interest in a particular context has to be taken into account. The amendment was defeated by 7 votes to 1 and the Report was passed in the form outlined above.

The 1969 Select Committee drew heavily upon the information provided in both oral and written evidence¹²¹ but inevitably in their conclusions and recommendations they utilised this evidence selectively. They gave greater credence to evidence which found the solutions to controlling Members' interests in the extension and formalisation of tradition, rather than in any form of registration.

This proclivity for privacy and tradition reflects the tenor of evidence provided both by the Leader of the House and the Opposition Chief Whip. The latter, Mr Whitelaw, giving whole-hearted support to the adequacy of existing conventions, cast doubt on whether any rules of the House could solve the problem. Foreshadowing the position that he was to take towards the Report when Lord President in 1970 he stated:-

'I believe that in the end this must be a matter for the discretion of individual Members, but a clear statement by the Committee of the dangers involved might go a long way towards making Members feel aware of their personal responsibilities in such cases.' 122

Making a more subtle stand for tradition the Leader of the House informed the Committee:-

'If you could arrive at a solution where you really allowed Erskine May to be applied to the new conditions and thereby re-adapting it here and there, you will have an evolution which I think is in keeping with Parliamentary tradition. If it is necessary to have a register in certain circumstances this is what you have to consider; but I would hope that you would be able to do it the first way.'¹²³

How far did the Chairman direct the course of the Committee and to what extent did the composition of the Committee determine the flavour of the recommendations? A careful examination of both the Report and the proceedings of the Committee has suggested a further aspect of the potential leadership function of the Chairman to those noted earlier. Mr Strauss's questioning of witnesses generally indicated a predilection for parliamentary tradition on his part, as two particular statements made during his examination of Mr Hamilton confirm. In place of a register he put the alternative to Mr Hamilton of having a code of conduct for MPs going wider than the present loose practice and suggested that the code should be adopted by resolution, a breach of which would be subject to adjudication by the Privileges Committee.¹²⁴ A corollary to this statement was his observation that:-

'You will agree that however desirable a register may be, it does bristle with great difficulties if it is to operate effectively and in a way that does not interfere in a really unacceptable way with the privacy which every individual, including a Member, should enjoy.'¹²⁵

The alternative solution proffered to Mr Hamilton was so close to the recommendations eventually embodied in the Report that it lends weight to the view that committees, guided by their chairman, often form a view early on in the proceedings and subsequently tend to seek support for this in preference to counselling other solutions. Frequently they take their cue from early witnesses, in this case most probably from the Clerk of the House who provided the documentation (but who was reluctant to give any view about what the House should do) and the Leader of the House.

Reaction to the 1969 Select Committee Report

(i) Newspaper comment

'The report is a brief for the status quo... Like so many of the House's dealings with itself, the report smacks powerfully of the gentleman's club: Strangers, Keep Out.'

The Sunday Times (21.12.1969)

Thus the Sunday Times greeted the publication of the Select Committee Report, the fundamental weakness of which they located in the Committee's adherence to the assumption that MPs should be treated no differently from private citizens. Such an assumption rendered the Committee unwilling to acknowledge what was basic to the whole case for disclosure, '(t)hat MPs are public men elected by the public to serve the public interest'.¹²⁶

The Financial Times found the second of the proposed resolutions either 'absurdly strict' or else 'meaningless', and pointed out that 'The Liberals have demonstrated that it (a register) can be done without offensive prying'.¹²⁷ Mr Ian Waller of the Sunday Telegraph also saw 'no reason why directorships, consultancies and other appointments.. should not have to be registered'.¹²⁸ The Times, who commented that the Report had not succeeded in showing that a register was totally impractical or that it may not in the end prove necessary, also reserved stringent criticism for the new advocacy clause. This, they said, was based on a distinction which, even if possible was somewhat unreal. The stronger safeguard was to be found in the refurbished declaration resolution and the claim that this made on the 'honour' of MPs.¹²⁹ Their confidence was not however shared by The Guardian, who pointed out that the real difficulty lay in the fact that MPs had different views of what constituted an interest; a difficulty which could undermine the main proposal to formalise the custom requiring MPs to declare an interest when a relevant subject is being discussed.¹³⁰

On balance, the tenor of press comment was generally critical, though few were as strident in their criticism as the Sunday Times who, although conceding the practical problems associated with a register, concluded gloomily:-

'If the Select Committee had truly believed in disclosure, it could have mastered the difficulties. What it lacked was not the means but the will to spike the narcissism of Parliament.'¹³¹

Parliamentary response

The reaction of Parliament itself to the Report, narcissism notwithstanding, and the significance of the Report for subsequent parliamentary action is difficult to assess. Whilst no specific action followed in the immediate aftermath of the Report, many of the ideas of the 1969 Select Committee (with the notable exception of the advocacy clause) were picked up in later years. This latent effect led the Chairman of the Committee to comment, perhaps somewhat glibly, that the Committee Report during this time was not dead but 'semi-operative'; its recommendations possessing a 'force of argument' though not a 'force of law'. Nevertheless no immediate action or decisions followed the publication of the Report. A parliamentary question directed by Mr Hamilton to the Lord President in February 1970, elicited a statement that the Government were still considering the recommendations of the Select Committee - which had reported in December 1969 - and would bring proposals before the House as soon as possible.¹³² Whether the Report was squeezed out deliberately, as some backbenchers suspected, or whether, as stressed by the then Lord President and Leader of the House, the pressure of business, following the particularly turbulent 1968-1969 session, coupled with pre-election euphoria, relegated the Report to the bottom of a busy agenda, the fact remains that the Labour Government took no action on the Report before the June 1970 General Election. Nor did they report any conclusions of the inter-party talks on overseas public relations activity, which although anticipated in the Prime Minister's statement on 26 March 1969, received no further mention. As Mr Douglas Houghton adjudged, by the time the Select Committee reported the spirit of moral fervour which surrounded its inception had subsided, to be replaced by lack of interest and sheer inertia.

CHAPTER 5

The 1974 Resolutions: A new Era in Self-discipline

'The subject that we are to debate today is one which in recent years, both before and since the publication of the 1969 report of the Select Committee on Members' Interests has been discussed at great length almost everywhere except on the Floor of this House.'

Rt. hon. Edward Short, 1974¹

Following the publication of the Select Committee Report in December 1969, no changes occurred in the rules and conventions regulating Members' outside financial interests until May 1974, when the House agreed to three Government motions concerning the registration and declaration of Members' interests. In tracing this phase of the 'modern campaign' for a register of Members' interests, this chapter has two main objectives. First, bearing in mind the importance attributed in Chapter 1 of this study to political inactivity and non-decisionmaking as objects of investigation, it examines parliamentary and Government inactivity following the publication of the 1969 Select Committee Report. Second, it traces the events which culminated in ^{the} 1974 Resolutions.

A change of Government and a reassertion of tradition

The General Election of 18 June 1970 returned a Conservative Government, led by Rt. hon. Edward Heath, with an overall majority of 31 seats. This represented a net gain for the Conservatives of 68 seats and a net loss for Labour of 60 seats.² The Liberals, the only party to operate a register of interests, suffered a loss of 7 seats with no gains. Included among these losses was Mr Eric Lubbock, the Liberal Chief Whip, who had been the only member of the 1969 Select Committee to argue for a register of interests. Given that support for a register, where it existed, derived largely from Labour and Liberal Members, the Conservative majority secured at the election augured ill for the chances of any form of register of interests being introduced by the House.

The large number of Members in the new Parliament possessing outside business interests also appeared likely to be an obstacle to any changes in the disclosure of Members' interests. A business profile of the new Parliament³ revealed 218 Members, or just over one-third of the House of Commons, with readily identifiable business interests. The overwhelming majority of these, all but 29 Members (27 of whom were Labour), were Conservative MPs.⁴ Further, as one commentator in The Times remarked:-

'Looking at the overall economic profile of the House of Commons, the most remarkable fact is the large number of M.P.s with interests in politically sensitive industries. The Construction industry, for one, is heavily represented in Parliament: on my estimate there are 18 M.P.s who before the new Government were formed held directorships in construction companies... Another politically sensitive industrial area, well represented in Parliament, is pharmaceuticals...' ⁵

The former Labour Government had been slow in reacting to the 1969 Select Committee Report, but the new administration, as expected, was even less inclined to favour any changes in the regulation of Members' interests. Their negative reaction to the Select Committee Report indicated unwillingness to give the subject any priority.

Nor did they come under much pressure to upgrade the issue. Only 8 Parliamentary Questions or supplementaries concerning Members' interests were asked during the Session 1970-1971. Of these, all but one ⁶ were asked by Labour Members who were already known to be vociferous on the subject; Mr W. Hamilton asking 5 questions, and Mr A. Lewis and Mr N. Tebbit asking one apiece. Most of these questions pressed the Government for information or action on the recommendations of the 1969 Select Committee on Members' interests. In reply to a Parliamentary Question by Mr W. Hamilton in July 1970, the Leader of the House, Mr Whitelaw, informed the House that the 1969 Select Committee Report, along with other select committee reports of the last Parliament, was under consideration and that the Government would bring forward proposals if they thought them appropriate. ⁷

In October 1970, in response to another Question by Mr Hamilton, the Leader of the House revealed the Government's opinion of the Select Committee's recommendations by stating:-

'I am sure that the House is indebted to the Committee for its statement of the principles which should guide the conduct of Members. This I gladly endorse. But the Resolutions proposed by the Committee have defects which I can see no means of curing and I could not recommend them to the House.' ⁸

In particular he found fault with the second resolution of the Select Committee which in effect was a reworking of the traditional rules and resolutions regarding advocacy. As explained in the preceding chapter the viability of this resolution turned upon the possibility of distinguishing between advocacy of a cause in Parliament for a fee or retainer and the advancement of an argument by a Member who, through a continuing

association with an industry, service or concern from which he may obtain some remuneration, is able to draw upon specialist knowledge of the subject under debate (eg. a trade union MP). Mr Whitelaw felt that this distinction would not hold up and that the resolution would be too restrictive. No doubt engaging in a clever piece of inter-party jousting with Mr Hamilton, he argued:-

'... one of the troubles that the House must face is that that formula would certainly mean that any Member sponsored by a trade union would not be able to talk on matters concerned with trade unions - and I do not think that that would be in the general interest of the House.'⁹

As observed by Andrew Roth, 'it took an imagination to think a Conservative Government was worried about the increasingly Left wing and vocal trade unions losing their Parliamentary voices'.¹⁰

Mr Whitelaw was satisfied with the fact that the Committee had thoroughly investigated the situation and had not considered it appropriate to recommend a register. As he had hoped would be the case, he saw the Committee as having performed a useful information exercise in making MPs aware both of the existing rules and conventions regulating Members' interests and the potential dangers associated with possessing such interests.¹¹

In February 1971, pressed by Mr Hamilton to provide time for a debate the Leader of the House agreed to consider the possibility but would not promise time in the near future.¹² Mr Hamilton renewed his request the following month, this time making reference to the forthcoming introduction of Commercial radio and saying that there were vested interests concerned with this on the opposite benches and that the public should know what these were.¹³ Mr Whitelaw refused to accept the premises of Hamilton's question, and, echoing the sentiments underlying the evidence he had given to the Select Committee in 1969 when he had been Conservative Chief Whip,¹⁴ he stated:-

'Having considered this matter very carefully, I think that there is widespread support in this House for the view that it is right to rely on the good sense of hon. Members rather than on formalised rules. That is certainly the view of the Official Opposition, and I believe that it is the view of many right hon. and hon. Members.'¹⁵

Thus, pointing to common ground shared with the Official Opposition, he endorsed the traditional approach of the House towards the regulation of Members' interests, with its emphasis on the integrity, trust and discretion of the individual Member - another manifestation of the familiar

tendency for MPs to allude to the House of Commons in terms reminiscent of those applicable to gentlemen's clubs.

The issue of Members' interests remained dormant until the Top Salaries Review Body reported in December 1971,¹⁶ and accepted the argument that Members should be regarded as working on a full-time basis. In May 1971 the Review Body, chaired by Lord Boyle, had been asked to review and recommend what changes were desirable in the emoluments, allowances and expenses of Ministers of the Crown and Members of the House of Commons. In their Report the Review Body looked at the problem of choosing the basis upon which MPs' remuneration should be assessed - whether their job should be treated as full-time or part-time in determining the level of pay - and acknowledged that while the principle of remuneration was no longer disputed as it had been in 1911,¹⁷ this question had never received an authoritative answer.¹⁸

Nor was there an abundance of empirical data upon which authoritative judgments could be made. In formulating their opinion on the subject the Review Body conducted a survey of the circumstances of Members of Parliament and of their views on remuneration,¹⁹ and in their Report recorded that:-

'Our survey... has shown ... that 70 per cent of Members other than office-holders pursue some other regular or occasional occupation; though in many cases the amount of time spent on the other occupation is quite small. Nearly 60 per cent of the Members concerned spend under 10 hours per week pursuing their other occupations while Parliament is sitting, and a further 29 per cent spend from 10 to 19 hours per week. Two-thirds of these Members earn over £1,000 per year from their other occupations, over one-third more than £3,000, and one-fifth earn over £5,000, with the higher figures tending to be earned by Members with constituencies in or near London. As is to be expected, Members with other occupations spend less time both in attending the House and on other Parliamentary business. We found that involvement in an outside occupation was regarded by at least three out of four Members as beneficial to the work of Parliament by keeping Members in touch with other areas of life and providing expertise helpful to the work of Parliament. Only a small number of those pursuing other occupations felt that it was a disadvantage which was forced on them by financial necessity. Many Members, however, have been at pains to point out to us that the job of an M.P. is increasingly becoming full-time and that it becomes progressively more difficult to combine it satisfactorily with another regular occupation.'²⁰

To this they added that while some three-quarters of Members considered that the existing degree of involvement in other occupations was beneficial to the House, most Members felt that the salary should be assessed on a full-time basis. They estimated that only one out of 16

Members spent, or admitted to spending, less than 40 hours per week on parliamentary work, while the average for all Members included in the survey was, or was claimed to be, 63 hours.²¹

On the basis of their review they concluded that the present century has seen a change in the role of Members of Parliament, both in terms of what their constituents expect of them and in terms of the way in which that role is viewed by Members themselves, and they recommended that:-

'One effect of these changes is that the job of an MP has become increasingly full-time, and in our view it is essential that the level of remuneration should be adequate to provide for full-time Members without other sources of income. We consider that the minimum figure to which the salary of Members should forthwith be raised is £4,500.²² (My emphasis)

When the Leader of the House announced the publication of the Review Body Report to the House on 6 December,²³ and intimated the Government's intention to accept the proposals, two back bench Members were prompted to seek further information about the Government's policy on Members' interests. Mr Wellbeloved (Lab), disturbed by the facts disclosed in the Report in connection with Members' outside activities, asked the Lord President whether he would consider bringing forward with his proposals to implement the Boyle Committee's report a programme for 'the full and compulsory disclosure of Members' outside interests and remuneration.'²⁴ While reminding Mr Wellbeloved that the Report of the 1969 Select Committee had been discussed at the time through the usual channels and it had been agreed that no further action should be taken, Mr Whitelaw indicated that he was prepared to re-open discussion on the subject. Sir D. Walker-Smith inquired whether he was to understand from Mr Whitelaw's reply that not only had the Government agreed not to implement the 1969 Select Committee recommendations, but that they had decided action of any kind was unnecessary or undesirable in this regard.²⁵ Mr Whitelaw rejected this interpretation and argued that the Government had so far taken no action in this field because of the immense difficulties in doing so.

Thus, there appears to have been a shift in the attitude of the Leader of the House after the Boyle Report. However, this apparent shift in attitude was not rapidly translated into overt action. In response to 2 Labour Parliamentary Questions tabled in January 1972,²⁶ Mr Whitelaw indicated that the Government were still luke-warm towards

the idea of reconsidering the 1969 Select Committee Report but would do so 'if it were the general wish of the House'. He also implied that the Government remained firmly opposed to the idea of a register of interests, whether compulsory or voluntary. Nothing more occurred on the subject until rumours concerning the involvement of Members of Parliament in the Poulson affair began to surface in July 1972. Since the events surrounding this case undoubtedly played a major part in establishing Members' interests firmly on the political agenda, we must now examine them in some detail. Whilst extra-parliamentary activity is not ignored, attention is focussed on the response of Members of Parliament to the Poulson revelations.

The Poulson affair²⁷

Mr John Poulson was an architect who expanded his practice to establish a string of business companies, property management consultants, a construction company, Open Systems Building, and export promotion. Poulson managed to expand from a single architectural practice in Pontefract to owning the largest architectural practice in Europe, with a turnover of £1 million a year and a staff of 750 people;²⁸ an empire which fell with the filing of his bankruptcy petition on 4 January 1972. It then emerged that this remarkable business achievement owed much to an elaborate network of politicians and public sector employees.

On 13 June 1972 his public examination in bankruptcy began and in July the Prime Minister announced that the Director of Public Prosecutions had, in consultation with the Attorney General and the Lord Advocate, instructed the Metropolitan Police to conduct an investigation into the affair. In November 1972 Poulson was expelled from the Royal Institute of British Architects for professional misconduct.²⁹ In June 1973 the then Attorney General (the Rt. hon. Sir Peter Rawlinson) signed fiats authorising proceedings under the Prevention of Corruption Acts against Mr John Poulson and a civil servant, Mr George Pottinger,³⁰ thus effectively silencing the bankruptcy hearings (subsequent hearings had to be in private); the press (because of the law of contempt), and Parliament (because of the sub judice rule).

On 11 February 1974 Mr Poulson and Mr Pottinger were convicted on various offences under the Prevention of Corruption Acts and, with subsequent prosecutions, a vast network of corruption was gradually revealed, involving Local Government at both district and county level,

nationalised industries, the National Health Service, the Civil Service, Central Government Departments and, although none was prosecuted, Members of Parliament.³¹

The first hint of Poulson's activities appeared in an article entitled 'The Master Builder: a profile on Power', carried in the Bradford Telegraph and Argus.³² It caused little comment at the time, but sparked off a series of foraging articles by Private Eye. When the public bankruptcy hearing began, and the risk of libel diminished, the rest of the media began to convey the rumour of corruption to the public. In addition to raising the question of payments to people in public life and creating anxiety about the apparent involvement of the civil service and local government, the Poulson revelations also rekindled concern about the vexed question of Members' business interests.

On 9 July 1972 the Observer carried the headline 'PR men say 20 to 30 MPs are "bendable"'. The same edition carried a feature article on MPs' public roles and private interests which emphasised the role that 'scandals' played in stimulating Parliament to take action on the issue of Members' interests:-

'NOT AGAIN! Every few years, scandalous allegations of corruption and financial malpractice by MPs are made. There is a great fuss, and an inquiry is set on foot to allay public disquiet. Its report may or may not exculpate the MP concerned, but it nearly always raises interesting issues about the relationship of MPs and outside interests, whether they are commercial firms, foreign Governments or public relations consultants. There is desultory discussion about what should be done to regularise matters, then the issue is dropped until the next scandal breaks'.

The article commented that the last time this had happened was in 1969 with the Bagier affair, and now the Poulson affair, involving among others the names of a privy councillor, Mr Maudling,³³ and three other MPs,³⁴ promised to have a similar catalytic effect.

Parliamentary response to the Poulson revelations

On 5 July Mr J. Thorpe, then Leader of the Liberal Party, tabled an Early Day Motion, supported by 5 of his party colleagues, expressing grave concern at the alleged payments by Mr Poulson of substantial sums of money to MPs and other persons in public life,³⁵ and demanded an immediate inquiry into the matter. During Business Questions on 6 July Mr Thorpe pressed the Leader of the House (now Rt. hon. Robert Carr) for either a statement or an early debate on the matter.³⁶

During July and August the Poulson affair and the more general topic of Members' interests attracted approximately 21 Parliamentary Questions or supplementary Questions from 9 Members. The 7 Labour MPs, who asked between them 19 of the Questions, once again tended to be those already identified as supporters of reform in the regulation of Members' interests.³⁷ Of these, Mr. Lewis was the most active, asking a total of 10 Questions, most of which however were designed to elicit information on technical or procedural aspects of the Poulson affair as it related to the civil service, and were not directed at Parliament. Other Questions either sought information on the Poulson affair, demanded an inquiry into the allegations, or used the allegations as ammunition for further requests for a register of interests. All three of these characteristics, in addition to the suggestion that the Government should appoint an Ombudsman to investigate corruption in public life, were embodied in another Early Day Motion tabled during this period.³⁸ This motion, sponsored by the persistent Mr Hamilton, failed to attract more than 7 signatures, all of which were Labour Members.

So far as the specific issue of the Poulson affair was concerned, on 13 July³⁹ the Prime Minister made a statement on matters arising out of the public examination in bankruptcy. He informed the House that the Government's Law Officers were examining the evidence and were awaiting the preliminary report of the Official Receiver. The Leader of the Opposition, Mr Wilson, asserted that nothing short of a 'full and open public inquiry' would satisfy both the House and the public.⁴⁰ On 18 July⁴¹ the Prime Minister made a further statement announcing that a police investigation into the conduct and affairs of Mr Poulson had been set in motion in order to discover whether grounds existed for instituting any criminal proceedings. In these circumstances the Prime Minister advised Members that:-

'... it would clearly be wrong for the Government to establish any other form of inquiry, at least until the outcome of the police investigation is available and a decision has been made upon any prosecution'.⁴²

On this occasion he also informed the House of the resignation of the Home Secretary, Mr Maudling.⁴³ As commented earlier, Mr Maudling's name had been mentioned during the bankruptcy hearings and although he stressed that his connections with Poulson were above reproach, he felt it inappropriate to continue as Home Secretary (and therefore Police

Authority for the Metropolis) while the Metropolitan police conducted their investigation into Mr Poulson's affairs.

On the more general problem of Members' interests, no debate took place until Mr Hamilton exploited the early termination of business on 4 August⁴⁴ to raise the matter of Members' expenses and financial interests on the Adjournment.⁴⁵ Although, even then, over half the time was devoted to a consideration of the Boyle Committee's recommendation for a travel grant fund for MPs. Mr Hamilton took the opportunity to make a major speech setting out the case for a compulsory public register of the financial outside interests of Members.⁴⁶ For the Government, Mr Kenneth Baker⁴⁷ acknowledged that the Government were prepared to consider the matter again, but indicated their antipathy to the introduction of a register.

In January 1973 Mr Hamilton, capitalising on the continued anxiety over the Poulson revelations, pursued his demand for a public register of interests in an Early Day Motion.⁴⁸ Endorsed by 28 Labour MPs and 1 Liberal, Mr Cyril Smith, this Motion, like the Private Members Bill for a public register of business interests introduced by Mr T. Cox (and co-sponsored by 8 other Labour MPs) later in the session⁴⁹ gave some indication of the direction in which Labour MPs' thoughts were moving.

During Business of the House on 1 February the Leader of the House (now Mr J. Prior) indicated that the Government viewed the problem primarily as a House matter, and announced their intention to hold consultations through the usual channels and in all parts of the House 'to see how best we can deal with a very difficult and complicated problem'.⁵⁰ While promising no specific action, this statement did at least indicate that the Government were now willing to concede that the possession of outside financial interests carried with it the potential problem of real or apparent conflict of interest. However, Mr Prior's reply to a supplementary Question by Mr Wellbeloved (Lab) suggested that the Government, in contemplating any reform in the regulation of Members' interests, were more concerned with the protection of MPs than in providing information on Members' interests:-

'What we are all concerned to see is that the good reputation of the House and of its Members is protected from unfair imputations from outside. That, to my mind, would be the main purpose of having any register or any change in the rules as we now have them.'⁵¹

Against a background of persistent anxiety about the Poulson regulations, inter-party talks on the matter continued throughout the rest of the session, extended into the 1973-74 session, and were still in progress when Parliament was dissolved in February 1974. During this period the resolute Mr Hamilton accused the Government of procrastination.⁵² The Leader of the House insisted that the Government were taking the matter seriously, but that it was a difficult matter and negotiations were inevitably protracted.⁵³

When the Leader of the House had announced the commencement of inter-party talks in February 1973, he had stressed that:-

'It is very much a matter for the House as a whole and for hon. Members in all parts of the House to consider what further action, if any, we can take that will help.'⁵⁴

From this comment, many MPs thought that the Parliamentary Labour Party and the Conservative 1922 Committee would each review the situation and attempt to frame proposals to form a basis or guideline for future action. This was done by the Labour Party, but, as is shown below, the Conservative 1922 Committee was less enthusiastic in its approach to the task.

The Labour Party proposals

The Poulson revelations fuelled a long-standing concern in the Labour Party about Members', particularly Conservative Members', outside financial interests.⁵⁵ Pressure from Labour backbenchers on the Parliamentary Labour Party early in the 1970-1974 Parliament to look at the problem of outside interests and to make recommendations,⁵⁶ led to the formation of a joint front and backbench committee on 27 July 1972.⁵⁷ Under the Chairmanship of the Deputy Leader, Mr Short, this P.L.P. Subcommittee on Members' outside interests set about formulating recommendations which, if agreed by the P.L.P., could be put forward by Mr Short in talks on Members' interests with the Leader of the House.

While this Committee was still deliberating, the Scottish Council of the Labour Party was committed in March 1973 - against the advice of its executive - to compile a register of financial interests held by Labour MPs and councillors in Scotland. The Guardian on 24 March 1973 reported that the following resolution had been approved:-

'Conference asks the Scottish Council of the Labour Party to compile a register of the interests of Scottish Labour MPs and Councillors. This should be a comprehensive register not only of paid interests, such as consultancies and directorships, but also of benefits in kind, such as holidays, and travel paid for by others. The register should be public.'

Two months later, on 9 May 1973, the P.L.P. Sub-Committee presented its Report at a sparsely attended meeting of the Parliamentary Labour Party.⁵⁸ Interviews with the chairman and members of the Committee revealed that they had not been unanimous in deciding upon all their proposals. During discussions there had been disagreement between those who argued for publicity and those, including Mr Short, who argued for privacy and could not see why MPs should be singled out to declare their interests publicly. Ultimately there was agreement on a compromise recommendation for a compulsory register of all MPs' financial interests to be kept in conditions of 'security' by the Speaker; thus enabling the Speaker to know whether a Member participating in a debate had a relevant interest. If agreement to this could not be reached among parties, they proposed the fall-back position of a Labour register to be maintained in secrecy by the P.L.P. Officers - a system already operated by the Liberal Party. The information required for the register included company directorships, remunerated professional activities, associations with public relations firms, companies where the MP has a beneficial interest over 10% of the capital, and all gifts and sponsored trips worth over £50. In addition, the Committee were in favour of a code of conduct for MPs such as that recommended by the 1969 Select Committee on Members' interests:-

'That in any debate or proceeding 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 of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.'⁵⁹

However, they recognised that such a code would have to be made by the House as a whole and, unlike the register, could not be adopted by one party only.

Members were divided in their reaction to the proposals.⁶⁰ The proposal for the code was overwhelmingly approved,⁶¹ but intra-party differences were rife on the issue of the register.⁶² Once again arguments about privacy, publicity and secrecy surfaced. While Alex Lyon⁶³ contended that the proposal constituted an unjustified erosion of privacy, other Labour MPs objected to the plan for a register held in private by the Speaker or Officers of the P.L.P.; an arrangement which they contended would give an unfortunate impression of secrecy. In the event

the proposal was modified by an amendment moved by Mr John Prescott and Mr Stanley Orme, and the Party voted 28 votes to 9 in support of a public compulsory register of Members' interests. With this one important modification, the Sub-Committee's Report was approved by the Parliamentary Labour Party and, as amended, formed the basis of the Labour Party's position in the protracted inter-party talks on the matter.

Conservative Party proposals

Opinion within the Conservative 1922 Committee indicated that the Conservative Party were reluctant to formulate proposals which would involve a departure from the traditional approach of the House to dealing with Members' interests.⁶⁴ Nobody supported a proposal for a full declaration of interests; partly because they felt that the House could rely on the strength of mutual trust and could judge its own Members, and partly because they considered any attempt at codification would be an invasion of privacy. Members of the Conservative 1922 Committee informed Mr Prior, Leader of the House, that the Conservative Party were against any proposals for depositing copies of income tax forms or any exposure of remuneration or specific shareholdings. Their principle objection was that:-

'Any such requirement would build up moral pressure on public men to divest themselves of all outside connections, and thereby speed the day, when the House of Commons would consist of full-time politicians with little or no experience of the consuming end of legislation.'⁶⁵

Although the Conservative Government had consistently shown itself to be against the introduction of any kind of register, on 29 June 1973 the Times revealed that against the background of public disquiet about 'the degree to which money may talk in central and local government', Mr Heath and the Cabinet had authorized the Leader of the House to lay before Leaders of the Labour and Liberal parties proposals for a voluntary register of Members' outside interests. The proposals were two-fold. First, the Government recommended a code of conduct formalising the established custom of the Commons that MPs should declare any financial interests being discussed by the House. Secondly, they proposed a register of financial interests on which Members would be expected to record all forms of paid employment, consultancies, directorships and so forth. In contrast to Labour's view on shareholdings, this proposal excluded shareholdings unless these cut across a subject being discussed by the House.

For example, Members would only be expected to register their shareholdings in say ICI if and when the House was debating matters concerning the chemical industry. No compulsions or sanctions lay behind these proposals except the moral one that Members were likely to incur the opprobrium of their colleagues if they failed to disclose a relevant interest and this later became publicly known. In this sense the Government's proposals were an extension of the existing practice of the House regarding declaration of interests. They argued that the practical difficulties of finding a precise definition of 'interests' would render a compulsory register, such as that recommended by the Labour Party, as inoperable.

Mr Prior had surprised Conservative MPs with these proposals at a meeting of the backbenchers 1922 Committee, and he had received a rough ride. Although no voting takes place in the 1922 Committee, The Times on 29 June 1973 reported that of the 17 Conservative backbenchers who commented on or questioned Mr Prior's announcement, only 3 gave unreserved support. Once more traditionalists reminded him that even a modest voluntary register was the beginning of the slippery slope to a full-time House of Commons devoid of outside interests of any kind. Mr Enoch Powell was one of the fiercest critics of the proposals.

Newspaper comment⁶⁶ speculated that the impact of diverse scandals such as the Lonrho affair⁶⁷ and the ramifications of the Poulson bankruptcy case had led the Government to change its mind about the register of MPs' financial interests. However, Ministers insisted that the Government's plans were not a panic move, but that they were the product of long ministerial consideration set in motion by the Prime Minister on 14 August 1972.⁶⁸ Information sources at Whitehall⁶⁹ expressed a middle view, and suggested that although there had not been a sudden change in thinking on the part of the Conservative Government, the scandals which had occurred hastened the general drift towards the view that it would be a reassuring gesture to take some action to restore the good name of the House. Senior ministers were aware that the majority of Conservative MPs would not welcome the idea of a register, but were coming to realise, as Mr Prior had suggested to the House in April 1973,⁷⁰ that such a step might be necessary to protect hon. Members against gossip and innuendo. The Government's plan was intended to provide a basis for discussion during the inter-party talks.

Thus, two sets of proposals were formulated before the February 1974 General Election. The main inter-party differences turned on whether the register should be voluntary or compulsory and also on the types of categories to be included. The sharpest division was between the Labour Party's view that the register should be compulsory and the Conservative view that it should be voluntary. However, as confirmed by Whitehall sources, there was actually less division between Members than appears at first sight, particularly among those who thought hard about the issue. Those putting forward proposals for a register on a voluntary basis realised that its existence, confirmed by a resolution of the House, would contain an element of compulsion, while those who put forward compulsory plans realised that it would actually be voluntary because of inevitable loopholes. Division on the content of the register centred on the Labour Party's view that a precise list of categories of interest should be set down, and the Conservative preference for a whole range of interests to be defined in broad categories.

A change of Government - and a change in direction?

The inter-party talks on Members' interests were still in progress when, in February 1974, during a period of acute economic crisis and industrial conflict, Parliament was dissolved. In the General Election on 28 February neither of the two major parties gained an overall majority in the Commons; the Labour party winning 301 seats and the Conservative party 296 seats. After failing to achieve a coalition with the Liberals, who on this occasion had captured 14 seats as opposed to 6 in 1970, Mr Heath resigned as Prime Minister. On 4 March Mr Harold Wilson took Office as Prime Minister of a minority Labour Government.

With a Conservative Government the chances of a register being introduced had been slim. Now, with the campaign for a register intensified by the prosecutions for corruption resulting from the Poulson trials,⁷¹ and with a Labour Government, supported by the Liberals, the chances were higher. Nevertheless, the new Cabinet were reported to be slightly more lukewarm towards proposals for a compulsory register than they had been when in Opposition.⁷² In reply to a Parliamentary Question by Mr Hamilton (Lab) in March,⁷³ the new Leader of the House, Mr Short, confirmed that discussions were still continuing with the Opposition on the possibility of formulating a register of interests,⁷⁴ but he indicated that there were problems concerning Members' privacy:-

'It is extremely difficult but very important to hold a balance between the need for privacy - and Members of Parliament are as entitled as anyone else to privacy - and the public interest in disclosure of some interests. We have to hold the balance between the two.'⁷⁵

Following the Prime Minister's announcement to the Commons of his intention to appoint a Royal Commission to inquire into standards of conduct in public life,⁷⁶ Mr Ashton (Lab) asked the Prime Minister for comment on newspaper speculation⁷⁷ that proposals for a voluntary register were likely to come before the House. Mr Wilson said Members would have to wait for announcements arising from the result of the inter-party discussions.⁷⁸ Mr Heath (Cons) sought reassurance from the Prime Minister that:-

'... whatever proposition is put before the House as a result of discussions with all parties and individual Members, the House should have a free vote and settle its own affairs.'⁷⁹

Mr Wilson confirmed that while he believed it had been right to hold such discussions it would be a matter for the House itself to decide.⁸⁰

On 2 May 1974 the Financial Times reported that Government discussions with Leaders of the other two main parties about a public register had been completed and that the Cabinet were to consider what action (if any) to take. On the same day, Mr Short announced that during the next week he hoped to send proposals to the parties for a register in order that the House could debate the matter before the Whitsun Recess.⁸¹

While he insisted that the decision as to whether the register should be compulsory or voluntary was one for the House to decide on a free vote, the press hinted that some Senior ministers were expected to urge for a compulsory register in the knowledge that most Conservative MPs favoured a voluntary register and that a Commons vote on the issue could brand the Opposition as secretive.⁸² The Government was also under pressure from its own backbenchers to make registration compulsory. On 2 May Ms. Colquhoun (Lab) attracted 57 signatures (54 Labour, 1 Conservative, 1 Liberal and 1 Plaid Cymru) in support of an Early Day Motion⁸³ urging the introduction of a compulsory register of Members' interests.

In addition to the Poulson trials and continued Press activity connected with them, several events occurred at this time which served to maintain the climate of disquiet about Members' financial interests and to intensify the campaign for a compulsory register. On 29 April 1974 a complaint of breach of privilege was raised in the House by Sir Harmer

Nicholls (Cons) concerning statements reflecting on the conduct of Members made by Mr J. Ashton during a broadcast interview given on 26 April.⁸⁴ Fearing potential misuse of the practice of invoking parliamentary privilege, some Members felt that referring the matter to the Committee of Privileges would preclude open discussion of a matter of public concern and argued that public confidence in MPs would be restored more effectively by a free debate on Ashton's allegations that a number of MPs had surrendered their freedom of action as parliamentarians to outside bodies.⁸⁵ However, both the Government and the official Opposition felt that the Committee of Privileges was the body best equipped to deal with the matter and the motion to refer the matter was carried by 283 votes to 94 votes, with the Opposition supporting the Government.⁸⁶

In using the Committee of Privileges the Labour Government faced the embarrassment that in 1974 the Leader of the House, Mr Short, who had chaired the P.L.P. Sub-Committee on Members' outside interests, had conducted inter-party talks about a register and who would normally have chaired the Committee, had issued a public statement that in January 1963 he had accepted payment from Mr T. Dan Smith who was later jailed for corruption during the Poulson trials.⁸⁷ Amid the highly charged controversy over Mr Short's continued role as Leader of the House which followed this admission, Mr Strauss assumed Chairmanship of the Committee. Although Mr Ashton eventually withdrew his allegations,⁸⁸ the Committee found him guilty of serious contempt.⁸⁹ Mr Short retained his position as Leader of the House.

As well as occurring against the background of the Poulson trials, Mr Ashton's remarks also coincided with the Report from the Prime Minister's Committee on Local Government Rules of Conduct, which was submitted to the Prime Minister on 17 May 1974 and published on 23 May. While concerned with local government, this Report publicly set out many of the arguments for and against a register of interests which were also being raised with regard to Parliament and came out in favour of establishing a compulsory register.⁹⁰

In addition to these by-products of the Poulson affair, a further minor 'scandal' occurred at this time which stirred up fresh concern about MPs and financial interests. Both the Guardian on 11 May 1974 and the Sunday Telegraph on 12 May carried news of Mr Brian Walden's (Lab) admission that he was retained by the National Association of

Bookmakers, at a fee of £5,000 a year for five years, to act as a political consultant. Mr Walden had played an active part in arguing the bookmakers' case against proposals in the Tote Bill in the previous Parliament which they felt would harm their interests. He had not concealed his work for the bookmakers, but the size of the payment - £25,000 over five years - may have surprised MPs and constituents alike because it was more than Mr Walden was paid in his representative capacity as an MP. Also in connection with this incident, the former Labour Party Paymaster General, Lord Wigg, who as Chairman of the Horse-race Betting Levy Board had played an important role in toning down the Tote Bill, called for a compulsory register in the House of Lords arguing:-

'If MPs are to be forced to make public their interests, the same rules should apply to active peers who could ask questions, promote Bills, talk to Ministers, and generally advance their interests...' 91

In the second week of May 1974 the Government circulated to Labour MPs a notice of the Motion on Members' interests which had been approved by the Liaison Committee and which, if accepted by the Parliamentary Labour Party, would be proposed to the House as a whole. The Motion included proposals for both declaration and compulsory registration of interests and, because senior Ministers had recognised there were grounds for genuine differences of views about the scope and content of the register, recommended that a select committee be set up to consider the composition of the register, its method of operation and appropriate penalties for default. Mr Short confirmed, when interviewed, that the motion was based on the amended recommendations of the Labour Party's Sub-Committee on Members' interests which had been approved by the Parliamentary Labour Party in 1973. He recalled that he had had discussions with the Attorney General and House of Commons Clerks to make sure the proposals were workable and that he had had no particular problems in steering the proposals through the Cabinet. He remarked that as usual at the beginning of a new Parliament, there had been a shortage of prepared legislation owing to the limited number of parliamentary draftsmen. Hence, there was an opportunity to pursue the proposals on Members' interests as these were already formulated. Also, he commented that against a background of public disquiet concerning Members' interests, and with the likelihood of another General Election in the near future, it was electorally important for Labour to take the initiative and to establish a register.

The motion was presented to a meeting of the Parliamentary Labour Party on 15 May 1974⁹² along with notice of several amendments tabled by Labour Members. An amendment moved by Alex Lyon to omit the paragraphs giving effect to a compulsory register was defeated by a substantial majority. Similarly rejected was an amendment moved by Mr J. Prescott, to bar MPs from maintaining outside interests and effectively recommending a full-time House of Commons. Mr Andrew Bennett moved an amendment asking that a Speaker's conference should be convened to discuss ways of getting all election candidates to declare their interests, but this was withdrawn on the understanding that the issue was to be considered by the Party's National Executive. The meeting also considered several propositions by Mr W. Hamilton. His amendment to include Peers and Lobby Journalists in the proposals was carried, but replying on behalf of the Liaison Committee Mr Short said that although they did not rule this out, they wanted to resolve the matter as quickly as possible. In their view, a resolution for MPs would be dealt with internally by the House, whereas a register for Peers and Lobby Journalists would require legislation and would take longer. Having considered these amendments, the Parliamentary Labour Party approved the resolution from the Party's Liaison Committee.

While Labour backbenchers had the opportunity to discuss and vote on the proposals, Opposition MPs were not even told what the proposals were. On 16 May Mr M. Clark-Hutchinson sponsored an Early Day Motion expressing the unfairness and incompetence of the Government by not making available to the Opposition the texts of the motions intended for debate on 22 May.⁹³ On the following day The Times reported that Conservative backbenchers were resentful over the Government's delay in making the proposals available and that the 1922 Committee had requested the postponement of the debate until the first week after the Whitsun. This request was resisted by the Cabinet and in response a special meeting of the 1922 Committee was called, the tone of which was reflected in the amendments the Conservatives intended to make to the Motions tabled by the Government.

The 1974 Debate on Members' Interests: '... a sort of gentlemen versus players match'.

On 22 May 1974 the Leader of the House, Mr Short, moved the three Government motions on Members' interests,⁹⁴ which the Speaker ruled should be discussed together:-

1. 'That, in any debate or proceeding 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 of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.'
2. 'That every Member of the House of Commons shall furnish to a Registrar of Members' Interests such particulars of his registrable interests as shall be required, and shall notify to the Registrar any alterations which may occur therein, and the Registrar shall cause these particulars to be entered in a Register of Members' Interests which shall be available for inspection by the public.'
3. That a Select Committee be appointed to consider the arrangements to be made pursuant to the Resolutions of the House this day relative to the declaration of Members' interests and the registration thereof, and, in particular:-
 - (a) what classes of pecuniary interest or other benefit are to be disclosed;
 - (b) how the register should be compiled and maintained and what arrangements should be made for public access thereto;
 - (c) How the resolutions relating to declaration and registration should be enforced;
 - (d) what classes of person (if any) other than Members ought to be required to register;
 and to make recommendations upon these and any other matters which are relevant to the implementation of the said Resolutions.'

These proposals were modelled on those agreed by the Parliamentary Labour Party a week earlier.

From the several amendments standing on the Order Paper⁹⁵ the Speaker selected for debate the two Conservative amendments standing in the names of Mr Prior, former Leader of the House; Sir Michael Havers, former Solicitor General; and Mr Edward du Cann, Chairman of the 1922 Committee. These amendments, reflecting the feeling of the 1922 Committee (above), were not official Shadow Cabinet amendments because like the Labour Party the Conservatives had decided to allow a free vote, and on a free vote the Opposition has no official attitude. The first of these amendments

was addressed to the Government's first proposal, concerning declaration, and was to the effect that interests should be declared if the Member judged his interest as one which would be regarded by the House as relevant to the matter under consideration. The reason behind this amendment was to preserve the role of discretion and honour of the individual Member himself in assessing which interests were registrable and which were not. It also deleted reference to future and retrospective interests and was therefore less comprehensive than the Government's intended measure.

The second of the two amendments selected referred to the third Government proposal and proposed that the substantive choice between compulsory and voluntary registration should be left to the consideration of the Select Committee as well. It also aimed to exclude the Government's first proposal on declaration of interest from the ambit of the Select Committee.

Opening the debate, Mr Short assured Members that:-

'The issue today is not whether Members should have outside interests, but whether and how we should make them known to our colleagues and to our constituents.'⁹⁶

Having limited the scope of the debate to the issue of disclosure of interests, he identified two different approaches to disclosure:-

'Some people take the view that there is nothing improper in a Member having outside interests as long as those interests are made known publicly. Others take the view that they should be declared only when some action is taken by a Member to further those interests.'⁹⁷

These two approaches had been recognised by the 1969 Select Committee, but in contrast to that Committee Mr Short acknowledged the increasing necessity of general public disclosure, unconnected with any particular speech or action by the Member. This, he stated, would afford Members complete protection against any unfair allegations or innuendos and had been 'the philosophy behind' the long series of inter-party talks.⁹⁸

Turning to the specific proposals, he explained that the first Motion related principally to the verbal declaration by Members of relevant financial interests when participating in debate or other proceedings. He said that the motion, identical in form to the first recommendation of the 1969 Select Committee, would clarify and also extend the present convention. First, it would extend not only to debate on the Floor of the House, but to all committee proceedings

and to Question Time. Second, it would extend the practice of declaration to cover all dealings between Members themselves and between Members and ministers or officials. Third, it would amplify the range of potentially relevant interests to include other benefits, such as gifts or free hospitality, in addition to direct pecuniary benefits. Finally, it would involve Members in declaring past and expected as well as present interests if they were relevant.⁹⁹

He recognised that motions establishing a compulsory register were more controversial and explained:-

'What the Government are proposing in this matter is twofold. First, we are proposing to the House that it should endorse the principle of the establishment of a compulsory register of Members' interests. Secondly, that the major questions of scope and enforcement of such a register, and the practical arrangements for access and custody, should be remitted to a Select Committee of the House for urgent consideration'.¹⁰⁰

In defence of these proposals he argued that increasing public anxiety and concern about Members' financial interests, much of which had been generated by the Press, had created a situation where:-

'... we believe that the balance of advantage for the House has now swung decisively in favour of the establishment of a register of Members' interests. If this is to command public confidence it clearly must be a compulsory register. The long-term disadvantages to the House and its reputation of not establishing such a register are, in our view, more important than the minor imperfections and inequities that may arise ... we believe that any disadvantages of the kind I mentioned are now clearly outweighed by the need to reassure the public that we as a Parliament are doing all we can to allay public anxiety in this matter and that, in order to do so, we must collectively recognise that we are prepared to pay the price by giving up a certain amount of privacy in these matters. That is greatly to be regretted, but it is the case today. Having arrived at that conclusion, the Government had to consider how best to proceed.'¹⁰¹

We should not miss the particular irony of events, by which the Register was commended to the House by a Member whom, as we have seen, had himself had to admit to having received a gift from one of Mr Poulson's associates.

Although they had taken the lead and put forward proposals for a compulsory register, Mr Short insisted that the Government took the view that this was a House rather than a Government matter, and for this reason had decided to recommend the establishment of a select committee to consider how the decision in principle to establish a compulsory, public register should be implemented. If the Motions were agreed, he hoped the Select Committee could report its recommendations in time for further debate to take place before the Summer Recess.

Moving the amendment to the first motion, Mr Prior defended both the privacy and honour of the individual Member and argued:-

'Much of the motion must be totally irrelevant, could be misleading and could involve a breach of privacy which we would regard as quite intolerable. I prefer to place more emphasis on the word 'honourable' before a Member's name, and that is why we seek to introduce the concept "in his judgment". I think that it is far better to leave these matters as far as we can to the judgment of an hon. Member.'¹⁰²

Criticising the Government's second motion establishing a compulsory register he claimed:-

'... it bears all the hallmarks of a decision under pressure in order to meet the outcry of the moment. It would be much better if this motion were withdrawn for the time being, and for us to wait until the Select Committee has reported and then to reach a decision.'¹⁰³

He said that it was this view which underlay the amendment to the third Government motion, turning over the decision of principle on the type of registration to the Select Committee, and not, as some opponents had implied, a desire to delay a decision.

About 50 Members took part in the ensuing debate. Although the main issues were clouded by a welter of conflicting motivations and pressures, Members tended either to revive arguments and themes which had been prominent throughout the modern campaign for a register or to interject with specific criticisms of or support for the Government's motions. Mr Prior's speech was closely followed by that of Mr Strauss, who had been the chairman of the 1969 Select Committee on Members' interests. He warned Mr Prior that it would be unwise to emasculate the first Government motion which, 'had the unanimous support of a Select Committee, with all its considerable authority'.¹⁰⁴ He also thought it unwise to overturn that Committee's decision not to recommend a register, and he echoed Mr Prior's view that it was ridiculous to ask Members to accept the principle of a compulsory register before they had any idea of what the register was to be.¹⁰⁵ He pointed to the inevitable problem of people who refused to register or who registered inaccurately and asked who would deal with them. He queried whether there would be a special committee of the House or whether the Committee of Privileges would be entrusted with the task. He pointed out that if the register was statutory (an option Mr W. Hamilton had suggested to the 1969 Select Committee) then if it were alleged that

a Member had failed to disclose an interest the courts would be involved and the matter would then be 'outside the control of the House'; a situation which he did not think the House would accept.¹⁰⁶

In contrast to Mr Strauss, Dr. Michael Winstanley, speaking on behalf of the Liberal party, commended the introduction of a compulsory register and signified his party's support for the Government's motions. He went on to refer to a statement made by the Leader of the House the previous day, recommending that discussion of the question of Members' pay be held over to a later date.¹⁰⁷ While he considered this was right, he stressed that in his view it was the background of low pay and poor facilities that made the vulnerability of a Member of Parliament to financial pressures particularly dangerous, and it was to this point that he considered the House should be directing its attention.¹⁰⁸

Despite the Leader of the House's early contention that the debate was not concerned with the question of whether Members should have outside interests, the matter of whether hon. Members should be full- or part-time Members emerged as a central theme of the debate. As on earlier occasions, Members were sharply divided on this issue, both on its substance and on its relevancy or otherwise to the debate. With few exceptions, Conservative Members tended to defend the possession of outside interests, arguing that a Parliament consisting of whole-time professional politicians would lose both its character and its independence and would become out of touch with the lives of those for whom it legislates.¹⁰⁹ Labour Members were divided as to the extent to which the House should be full-time but, in contrast to the Conservatives, gravitated towards the conception of a full-time House of Commons. Mr J. Prescott (Lab) pointed out that the Boyle Committee had decided that Members' salary should be calculated on the basis of full-time Membership and he argued:-

'That is an important pointer. If we adopt that view, the chance of conflicts of interest, proper or improper, will lessen.' 110

This controversy over full-time or part-time Membership was closely entwined with the notions of amateurism and professionalism in Parliament, and in recognition of the influence of these conflicting ideals in shaping Members' views on the matter of Members' outside interests, Mr Max Madden (Lab), himself an ardent supporter of a full-time House

of Commons, commented towards the end of the debate, 'an attempt has been made to present this debate as a sort of gentlemen versus players match'.¹¹¹

Another recurrent theme apparent in the debate was that of Members' privacy. Mr Short and Mr Prior had provided Members with opposing views on this issue as it was effected by the introduction of a register and this division of opinion was reflected in the debate. At one extreme Mr Hamilton (Lab) contested the assumption of the 1969 Select Committee that MPs should be treated no differently from private citizens and argued:-

'We had better face the fact that men and women in national or local government voluntarily come into public life. None of us is a pressed man or woman. All of us are here because we wanted to be here, and - by God! - we cling on once we get here. We must expect to put up with a greater intrusion into our affairs than into the affairs of those who choose to remain private citizens.'¹¹²

At the other extreme, Mr Michael Clark-Hutchinson, who had earlier sponsored an Early Day Motion expressing opposition to declaration of interests and satisfaction with present practices,¹¹³ exclaimed:-

'If we were to register our interests, we could immediately put ourselves in a category different from all others. Ours is an old and famous Parliament that is respected throughout the world. I find it incredible that we should be discussing this absurd register.'¹¹⁴

A different perspective on the problem of privacy was adopted by Brian Walden (Lab). He argued that the concept of privacy had become mixed up with connotations of secrecy because:-

'A sincere concern for public interest has to co-exist with a sincere concern for public mischief. A proper regard for privacy has to bed down with a desire for concealment, usually based on a fear of misrepresentation.'¹¹⁵

Although he viewed a register as a 'gross and palpable intrusion' into a Member's privacy he advocated disclosure on the grounds that:-

'If my experience of life is any guide, there is nothing so disappointing to the prurient as a revelation. Once they actually know what is going on, their interest in it will subside rapidly. The suspicious will go to lusher pastures where someone is trying to conceal something ... once we have a public register the whole thing will die in a year or two.'¹¹⁶

It emerged from the random sample interviews conducted for this study that Mr Walden's speech prompted some of the tactical voting which

took place during the division on the compulsory register, whereby some Members voted for the register not because they wanted one, but because they thought this would be the quickest way to kill off the whole idea.

Mr Walden's speech also included a criticism of the use of the word corruption in the context of a debate on Members' outside interests. He argued:-

'The whole issue has got mixed up with the issue of corruption because it is very much in some people's interests that it should be. They are anxious to see the two things presented side by side ... Many people use the word "corruption" when what they really mean is "A practice of which I personally disapprove"'.¹¹⁷

Other Members, including the Attorney General Mr S.C. Silken, who argued that 'We are now concerned with the smoke of suspicion which surrounds the fire of real or imaginary corruption',¹¹⁸ tended to be less reflective in their use of the term.

The traditional values of honour, self-restraint and mutual trust were frequently evoked during the debate. Mr Strauss's speech was cited by Mr Ian Lloyd(Cons) as illustrating an important difference between the philosophy of the 1969 Select Committee and the philosophy which underlay the Government motions. Whereas the Committee had held that Members were honourable, in his view the Government motions implied that in certain circumstances and under certain conditions and at certain times hon. and right hon. Members were not honourable.¹¹⁹ This criticism was shared by several, mainly Conservative, Members who felt that the Government's proposals were detrimental to the honour, integrity and discretion of the individual Member, and indicated a decline in Parliament as a meeting place of gentlemen. A strong defender of this view was Mr John Stokes (Cons) who refused to vote for any of the motions and insisted, 'I believe that we are all hon. Members, and to me this is still a kind of club'.¹²⁰ Implicit in this belief was the idea that disclosure of interest was of relevance to colleagues only and not for public consumption. However, an opposing view was argued by Mr T. Rathbone (Cons) who recognised two objectives for introducing a register; first to avoid actual conflicts, and second, to restore public confidence and trust in Parliament by reducing the appearance of conflict. Alluding to the cynicism with which he felt people regarded politics and politicians, and stressing the public relations function of a register, he argued:-

'... we cannot allow ourselves the luxury of contemplating the pros and cons of registration of interests solely from the standpoint of the working relations among ourselves. With almost instantaneous communication, people outside the House know more of what we do, what we say and even what we think ... If by establishing a register of Members' interests we can instill just a little more in the minds of the British people that Parliament is their institution and that it is inhabited by people in whom they may place their trust, we may be taking quite a step back towards the proper operation of a form of government which has been trusted and tried but which in many people's minds is now found lacking.'¹²¹

In addition to these recurrent themes or arguments, Members discussed both the question of what interests should or should not be included in a compulsory register, and the controversial issue of whether the principle of registration should be extended to other classes of persons besides MPs. While expressing no opinion, Mr Short had acknowledged that a great many Members and people outside the House had recommended that parliamentary journalists, candidates, spouses and children of hon. Members should be required to register their interests and he had therefore included the question within the Select Committee's terms of reference.

Closing the debate the Attorney General summarised the difference between the Government's motions and the amendments as turning on whether it was sufficient to rely entirely on each individual's judgment or whether it was better to rely on the collective wisdom of the House. He advised the House to support the Government motions, and attempted to link the intended reforms in the area of Members' interests to the wider cause of open government:-

'We are seeking to achieve a climate in which openness will be taken for granted so that hon. Members, by that openness which we seek to establish about interests relevant to their work in Parliament, will make their full contribution to that open Government which is an essential part of a modern parliamentary democracy.'¹²²

Voting on the motions and amendments

'Like so many debates in this House in which the conclusion is to be on a free vote, this debate is turning into what seems to be a good one, something which inspires trepidation in any Speaker. We know that at the end of the day every Member will be voting according to his conscience and perhaps his interest.'

Michael English MP.¹²³

Although the official party whips were off duty during this debate, party discipline rests at least partly on group opinion and group loyalty. To the extent that this is so, MPs' voting behaviour may have been less voluntary than the theory of a free vote implies, or MPs, such as Michael English, believed.¹²⁴ An analysis of the voting behaviour on both the Government's motions and the amendments, though complicated by the problem of tactical voting mentioned earlier, reveals a strong relationship between party affiliation and opinion on the issue of Members' outside interests. It also suggests that despite Government rhetoric claiming Members' interests to be a House issue rather than a party issue, there is in practice party clustering in terms of opinions on this subject.

Mr Prior's amendment to the Government's first motion was defeated by 336 votes to 221 votes (Appendix 4, Table 10). There was a sharp division of opinion between parties, with approximately 75% of the Conservative Members eligible to vote voting for the amendment and 96% of Labour Members eligible to vote voting against it. No Labour Members supported the amendment. An analysis of voting within the Conservative party on this amendment indicated a tendency for relatively 'new' Conservative Members (i.e. those entering the House at the February 1974 election) to be more likely to vote against the amendment than those Conservatives with longer service in Parliament (Appendix 4, Table 11). The Government's motion on declaration of interest was then carried without division.

The motion establishing a compulsory register was carried by 365 votes to 170 votes (Appendix 4, Table 12) and resulted in a larger Government majority than expected. As with the first motion there was a distinct division of opinion between the parties, with 94% of the Labour party eligible to vote voting for a compulsory register as compared to 21% of the Conservative party. Of the Conservative party, 57% voted against the motion, including Mr E. Heath and at least 7 members of the Shadow Cabinet; Mr Alick Buchanan-Smith, Mr Ian Gilmour, Sir Keith Joseph, Mr Maurice MacMillan, Mr James Prior, Mr Francis Pym and Mrs Margaret Thatcher. Mr Reginald Maudling, former Home Secretary also opposed the motion. Only 2 Labour Members voted against the motion; Mr Alex Lyon, who throughout the campaign for a register had revealed himself as a champion of the right to privacy, and Mr

George Lawson, who was described to the writer by a former Leader of the House, as 'a highly individualistic MP'.

An analysis of voting within the Conservative party again suggested a difference between 'old' and 'new' Conservatives, indicating a tendency for those Conservatives who entered the House in February 1974 to be more likely to vote for a compulsory register than those Conservatives with longer service in Parliament (Appendix 4, Table 13). However, the 62 Conservatives who joined the 208 Labour Members in supporting the register, thus indicating that by May 1974 some Conservative Members had gradually, if unwillingly accepted that it would be a reassuring gesture to take some action to restore the good name of the House, did include some front bench spokesmen: Mr Peter Walker - Trade and Industry; Mr Geoffrey Rippon - Foreign Affairs; Mr Peter Thomas - Wales; and Mr W. Van-Straubenzee - Education. Those in favour also included 10 Liberals, Mr D. Taverne, Mr E. Milne and 8 Nationalists.

The third motion, setting up the Select Committee, was agreed without a division. With a majority for the Government's motion establishing a compulsory register, Mr Prior's amendment to this motion, intending to refer the substantive decision between compulsory and voluntary registration to the Select Committee, automatically fell.

The total number of Members voting was extremely high for a free vote. Including tellers, 557 of the total number of Members eligible to vote took part in the first vote, and 531 in the second. Those who were absent from the debate or abstained from voting did so for a variety of reasons which are difficult to categorise. However, the random sample interviews indicated that in addition to Members who had prior engagements or who abstained because they saw the register as a non-event, they included some, who, like Mr Strauss (Lab), chose to abstain rather than vote against the register because the latter action could have been misinterpreted as a vote against the end principle of disclosure of which they approved, rather than a vote against the means of a register of which they disapproved.

At the end of a 7 hour debate the House of Commons had resolved to turn the traditional convention of declaration of interest into a more comprehensive rule of the House, and had agreed to the principle of public, general disclosure of interests in the form of a compulsory register of Members' outside financial interests. The task of making these principles adopted by the House operational was referred to a Select Committee, who were instructed to report to the House within the shortest possible period.

CHAPTER 6

The Register: To be a Gentleman is Not Enough

'We decided ... to recommend the establishment of a Select Committee from both sides of the House to give urgent consideration to the way in which the decision in principle to establish a compulsory and public register of Members' interests should be put into practical effect. The Select Committee would consider what types of interest should be registrable, how the register should be kept and what sanctions, whether legislative or procedural, should be applied if the provisions of the register are not observed.'

Mr E. Short, 1974¹

In passing the three Resolutions on 22 May 1974 concerning the declaration and registration of Members' interests, the House had agreed to appoint a select committee to consider the way in which the decision in principle to establish a compulsory and public register of Members' interests should be implemented. This Committee comprised 14 Members of the House;² 7 Labour, 6 Conservative and 1 Liberal.

The most striking difference between the composition of this Committee on Members' interests and that which had been set up in 1969, is that whereas all but one of the members of the 1969 Select Committee had been Privy Councillors, only 3 members of the 1974 Select Committee had this standing. While several backbenchers interviewed for this study intimated that the absence of Privy Councillors reflected the fact that the Government had taken heed of backbench criticism which had surrounded the membership of the 1969 Committee, the Chairman of the Committee, Mr F. Willey, pointed out that much more significant was the nature of the job that the Committee was set up to do. Whereas the Strauss Committee in 1969 had been concerned with the principles of declaration and registration and had therefore been composed more like a privilege select committee, with a predominance of Privy Councillors, this Committee was more of a working committee, concerned with putting into operation decisions already taken by the House.

The Committee were unable to report before the Summer Recess, and as it happened, before Parliament was dissolved in September. The Conservative Party made no reference to Members' interests in their election manifesto, while the Labour Party, in the context of their professed belief that the process of government should be more open to the public, pledged themselves to:-

'Establish compulsory registers of interest for all MPs, councillors, peers, senior civil servants, senior council officials and others in the upper reaches of the public service.'³

At the General Election of October 1974 the Labour Party was returned with a narrow majority of 3 seats over all other Members. At the beginning of the new Parliament the Select Committee on Members' Interests (Declaration) was reappointed with largely the same membership and identical terms of reference.

The Committee did not receive a great deal of evidence, largely because so much had already been submitted to the 1969 Select Committee which had dealt with the principles of registration and declaration. All the evidence received was published, except that relating to American and German practices.

Like George Strauss in 1969, Frederick Willey was required to assume the role of an active chairman of an investigatory select committee. When interviewed he singled out 'patience' as the single most important quality required of him as chairman; patience to work towards obtaining unanimous decisions among a great diversity of Members. The Committee contained both Members who had voted for the motion to establish a compulsory, public register and some who had voted against.⁴ Although the unanimous report was inevitably a compromise document, both the Chairman and the Clerk to the Committee insisted that no clear party division had emerged. The Clerk suggested that as the House had already taken the decision to establish a register, so presumably the Conservative Members who had voted against the register felt bound by this decision and by the function of the Select Committee to make the resolutions workable.

The Report of the 1974 Select Committee⁵

In their terms of reference the Committee identified two different types of issue on which they were required to make recommendations:

'There are the administrative and procedural problems involved in both Resolutions; these are largely technical and are unlikely to prove controversial... There are also, however, the quite separate political problems of the scope of the register, what classes of pecuniary interest or benefit should be registered, and also what classes of persons other than Members might be required to register'.⁶

Their consideration of administrative and procedural problems provided more scope for the Clerk of the House to influence this Committee than was possible in 1969, although he was careful to point out the difference between procedural matters on which he could advise, and political matters, such as the scope of the Register, on which he preferred not to express a view.⁷

Purpose of the Register

The Committee recommended that the form for the Register of Interests to be sent to Members should contain the following definition of the Register's purposes:-

'The purpose of this Register is to provide information of any pecuniary interest or other material benefit which a Member of Parliament may receive which might be thought to affect his conduct as a Member of Parliament or influence his actions, speeches or vote in Parliament'.⁸

They insisted that in carrying out his parliamentary duties an MP was properly subject to a number of influences and that it was because, and only because, his parliamentary action and conduct may be seen to be affected by these that he was required to disclose any such pecuniary interest or benefit relevant to the parliamentary action he was taking. The register was intended 'to record generally and to give public notice' of those interests which on occasion might be seen to effect the discharge of a Member's parliamentary duties.⁹

Against this apparent concession towards greater openness and publicity concerning Members' interests through compulsory registration must be seen the Committee's reaffirmation of a Member's right to privacy. Although they felt that a Member must be expected to be subjected to thorough public scrutiny in the performance of his public duties, they also argued that:-

'He is ... however, a private individual and is entitled to a proper degree of privacy. His wife and children are equally entitled to such privacy'.¹⁰

Accordingly, they considered it was unnecessary to require the disclosure of the amounts of any remuneration or benefits received. This was to be a register of the sources or nature of pecuniary interests and benefits; not a public income tax return designed to indicate the magnitude of a Member's income.

The Committee also qualified the element of compulsion associated with the Register. They recognised, as did the 1969 Select Committee, that the register could not guarantee against evasion. Evoking the individual and collective qualities of integrity, self-discipline and above all trust, they admitted:-

'In the end, responsibility must rest on the Member himself to disclose those interests that might affect his parliamentary actions'.¹¹

Scope of the Register

As evidenced by the Clerk of the House,¹² the most difficult task which faced the Committee was to determine the scope of the Register. Pointing out that remuneration included not only direct income but also taxable expenses, allowances or benefits, they recommended the registration of 9 specific classes of pecuniary interest or benefit which they emphasised should be taken as broad guidelines within which Members should 'proceed with good sense and responsibility'. These were¹³:-

1. remunerated directorships of companies, public or private;
2. remunerated employments or offices;
3. remunerated trades, professions or vocations;
4. the names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the House;
5. financial sponsorships, (a) as a Parliamentary candidate where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of Parliament, by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage direct or indirect;
6. overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds;
7. any payments or any material benefits or advantages received from or on behalf of foreign Governments, organisations or persons;
8. land and property of substantial value or from which a substantial income is derived;
9. the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issue share capital.

Stressing the importance of categories (6) and (7), concerning overseas visits and foreign Governments, they confirmed that it was anxiety on this score that had led to the appointment of their predecessor select committee in 1969. They conceded that the interpretation of the phrase 'relating to or arising out of Membership of the House' in category (6) might create difficulties, but as with the problem of interpreting what constituted 'material benefits or advantages' in category (7) and 'substantial value' or 'substantial income' in category (8), they preferred to leave this to the judgment of the individual Member to interpret in the light of his own knowledge of the circumstances, rather than laying down fixed rules or amounts.¹⁴

While they believed their definitions of registrable interests would command general support, they considered these might require amendment in the light of experience. For this reason, the essence of their proposals was a permanent select committee on Members' interests charged with monitoring how the proposed scope of the register operated in practice.¹⁵ This committee would deal with ad hoc problems and complaints arising from the working of the Register, such as those of deciding whether a particular interest should be registered, or whether a Member has failed to register a relevant interest, and would also have the wider task of keeping under review the whole subject of Members' interests and of making recommendations.

The Committee also proposed that the Registrar of Members' Interests should be Clerk to the Committee, and would then act on the instructions of the Committee as well as under the authority of the Resolutions of the House. They endorsed the Clerk of the House's proposal that the Registrar would need to be a senior member of his Department,¹⁶ and provided detailed guidelines for the Registrar which they set out in Annex 1 to their Report.

The procedures for compilation and maintenance of the Register were straightforward. Each Member would receive a form to complete incorporating the various classes of registrable interests, together with a letter from the Registrar.¹⁷ It would be the responsibility of Members to complete the form, the contents of which would be edited by the Registrar and published from time to time as a House of Commons Paper, available from H.M.S.O. This publication arrangement would not, however, preclude the rights of the public and of Members to inspect an up-to-date copy of the Register. It would be the responsibility of Members to notify the Registrar of any changes of registrable interests which might occur.

In discussing the enforcement of the requirements to register, the Committee made it clear that the philosophy of the House was one of trust. It should be observed that, unlike the position in America with the House and Senate ethics committees¹⁸, the Registrar and his staff were not to be seen as enforcement officers. Referring to the sanction of possible penal jurisdiction by the House, the Committee confirmed the view expressed by the Clerk of the House,¹⁹ that:-

'The ultimate sanction behind the obligation upon Members to register would be the fact that it was imposed by Resolution of the House... There can be no doubt that the House might consider either a refusal to register as required by its Resolutions or the wilful furnishing of misleading or false information to be a contempt.'

Declaration of interests

The Committee had less to say on the Resolution concerning disclosure of interests, which had changed an existing convention of disclosure into a rule of the House, and imposed this rule over a wider area than that to which the former convention applied.

Following the Redcliffe Maud Committee on local government rules of Conduct,²⁰ they emphasised that the new requirement to register interests did not exempt a Member from having to declare his interests in any particular proceeding, although they realised that in many cases where interests should be registered they would not have to be declared because they were not relevant to the particular debate or activity in which a Member was participating.²¹ They also emphasised that as well as proceedings of the House or committees, the Resolution referred to 'transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown'. While stressing that the obligation on Members to declare their interests in these circumstances was just as binding as for proceedings of the House, they were content to leave this to the personal judgment and honour of the individual.²²

They also relied upon the good sense of Members to interpret how far past or future interests should be disclosed. Taking into account the possible difficulties created by the element of confidentiality in future expectations, the Committee did not expect interests to be registered unless they were actual rather than potential. However, they did not expect a Member to take part in any relevant proceedings until the element of confidentiality had been removed; if he did participate, then he would be required to declare his interests and sacrifice the confidentiality.²³

The Committee considered a number of procedural problems which arose from the extension of the practice of declaration of interests to proceedings other than debate. With regard to Questions and Notices of Motions or Amendments (including Amendments to a Bill) they proposed a complex scheme, involving the use of certain symbols on the Notice Paper, which would vary according to whether or not the interest declared was already registered.²⁴ To overcome the problem of making public the declarations of interest which are made during the customary private deliberations of select committees, they proposed that such declaration

should be recorded and published in the minutes of proceedings of the Committee.²⁵ Finally, so far as voting was concerned, they regarded it as impracticable and time-wasting for all interests to be declared.

On the question of what classes of persons (if any) other than Members ought to be required to register, the Committee pointed out that apart from the case of parliamentary candidates, no evidence or representations had been received by them for the register to be extended beyond Members to include, for example, 'lobbyists', parliamentary journalists, or close relatives of Members.²⁶ In the case of parliamentary candidates, although they considered it was unfair that a candidate who happens to have been a Member of Parliament should have his pecuniary interests and benefits recorded and made available to the electorate while the other candidates were under no obligation to disclose anything, they concluded that this problem was not one for them to resolve. They recommended that the question of registering the interests of all parliamentary candidates be referred to the next Speaker's Conference on Electoral Law, with a view to introducing legislation before the next general election.²⁷

Reaction to the 1974 Select Committee Report

'On its publication the select committee's Report had a good reception and attracted favourable comment. It was not debated by the House of Commons until 11 June when it was accepted by a substantial majority. I am confident that its acceptance will result in the new concept of the declaration and registration of Members' interests becoming a recognized and accepted part of our parliamentary procedure'.

Mr F. Willey.²⁸

(i) Newspaper comment

Generally speaking, the Press were more favourably disposed towards this Report than they had been towards its predecessor in 1969, although they were not entirely without criticism.

The Times (9.1.1975) judged the proposals contained in the Report to be workable. It recognised that 'no register could act as an automatic detector of the first signs of political corruption' but it could still see an argument for registration:-

'The purpose of a register is to make an MP disclose all relevant interests or to take a conscious decision to conceal them. If he takes that decision he will know that he is abusing his position. A line will have been drawn and it will mean that an MP must be prepared to disclose to public scrutiny any arrangement he makes with outside financial interests unless he takes a deliberate decision to be evasive'.

However, it also found the proposals unclear and warned that on some key points it was a 'recipe for confusion'. It was particularly critical of the Committee's failure to clarify such terms as 'material benefits', 'substantial value' and 'substantial income', and insisted that although the Committee had not set out fixed rules or amounts because it felt these would be arbitrary and in need of constant revision, this approach would have been no more arbitrary than the figures fixed by individual MPs acting in good faith.

The Guardian (9.1.1975) was critical of the Committee's standpoint on privacy, particularly their view that any disclosure of gifts or money by an MP's wife would be an unjustifiable intrusion of privacy, but nonetheless conceded that the Report reconciled for the first time formally two desirable characteristics of the House of Commons, namely:-

'... the existence of a diverse and valuable expertise among its Members and an exact knowledge of whose case is being put.'

The Financial Times (9.1.1975) stated boldly that in taking the decision to set up a register:-

'... the House broke sharply with its own past and recognised that in modern conditions the old "honour system" which left the declaration of an interest entirely to the discretion of the individual Member no longer afforded the House sufficient protection from suspicion.'

The Daily Telegraph (9.1.1975), however, was not convinced that the introduction of registration would or could usurp the traditional reliance on honour. It argued that:-

'In one sentence the all-party select committee on the registration of MP's interests... sums up what may be thought to be the strongest argument against its own recommendations: "in the end" the committee says "responsibility must rest on the Member himself to disclose those interests that might affect his Parliamentary actions".'

Obligations of honour, The Daily Telegraph argued, were often more compelling for not being codified. Nevertheless, it grudgingly conceded that a register might be necessary to quell public suspicions, however groundless or malicious, about the motives of MPs.

(ii) Parliamentary response

It was apparent from the Government's replies to several Parliamentary Questions from their own backbenchers that whatever their response to the report, they did not intend introducing legislation either for a compulsory register of Members' interests, or to make it obligatory

for MPs when elected to give up all other forms of paid employment.²⁹ The Government also showed their failure, or unwillingness, to link the problem of Members' interests with Members' remuneration when, in response to a request from Mr Tugendhat (Con) to discuss the whole question of Members' interests alongside, if not at the same time as, the consideration of the Report of the Boyle Committee into Members' remuneration, Mr Short admitted that that point of view had not occurred to him.³⁰ Although he said he would consider it, he intimated that it might be some months before the Boyle Committee reported and that the majority of Members would probably want to consider the Members' interests report sooner. He was intending to arrange for the debate on the Report to take place before Easter. In the event, the House did not debate the Report until June, six months after it had been published.

Debate on implementing the 1974 Resolutions³¹

On 12 June 1975 Mr Short moved the main Government motion, agreeing with the recommendations of the Select Committee and recommending that a register of interests be established as soon as possible in accordance with the proposals made in the Report.³² To regularise the position with regard to voting with an interest and to clarify their view on written notices and supplementary questions, which departed from the Committee's recommendations, the Government moved a second motion:-

'That, for the purposes of the Resolution of the House of 22 May 1974 in relation to disclosure of interests in any proceedings of the House or its Committees -

(i) any interest disclosed in a copy of the register of Members' Interests shall be regarded as sufficient disclosure for the purpose of taking part in any Division in the House or in any of its Committees;

(ii) the term "proceeding" shall be deemed not to include the giving of any written notice, or the asking of a supplementary question'.³³

The Speaker selected for debate two amendments. One, tabled by Mr N. Spearing (Lab) and later withdrawn, was addressed to the first motion, and was to the effect that there should be a tenth 'catch-all' category of registrable interests to allow for interests which a Member might think necessary to register, but which were not covered by the proposed 9 specific categories.

The Second amendment stood in the name of Mr J. Golding (Lab) and attempted to alter the second motion to the effect that a Member would be required to declare an interest when giving notice of a question in relation to which he had an interest which was recorded in the Register.

Opening the debate Mr Short reminded the House that the debate in hand was not on the general principle, which had already been decided, of whether there should be a public compulsory register, but was concerned with the Committee's recommendations as to how these general principles should be put into effect.³⁴ He drew attention to the problem of defining 'financial interests' and the consequences this had on formulating specific categories of interest. He endorsed the Committee's view that these categories could not be entirely comprehensive, but would act as broad guidelines for the individual Member upon whom rested the final responsibility for registration. He also agreed that the register was supplementary to, and not in place of, the obligation on a Member to declare his interests where required. If this were recognised, he believed Members could take a more relaxed view of the Register.

He defended the Committee's avoidance of laying down precise limits within which particular forms of financial interest would need to be registered by emphasising the need to preserve personal privacy and the House's traditional reliance upon individual integrity:-

'... the House will want to consider whether some degree of imprecision is inevitable if Members are to retain the final responsibility for judging whether or not a particular interest, of whatever nature or amount, should be disclosed to the House, and if Members are allowed a reasonable degree of privacy in the handling of their own personal financial affairs. For example, it would seem inevitable and right, as proposed by the Committee, that Members should be left to judge for themselves whether benefits received from an overseas Government are material or not'.³⁵

He approved the Committee's recommendations for the appointment of a Registrar of Members' interests and gave Government support to the proposals for the establishment of a permanent Select Committee to which issues of doubt or difficulty could, if necessary, be referred on a confidential basis. He pledged that if these motions were agreed by the House the Government would bring forward as soon as possible the necessary motion for the establishment of the Select Committee.³⁶

He commented briefly on three subsidiary aspects of the Report which were reflected in the wording of the second motion before the House.³⁷ First, he further explained the Government's decision to accept the Committee's advice on voting with an interest and to recommend that the registration of an interest should be sufficient disclosure for the purpose of taking part in any Division. Second, he commented that, strictly interpreted, the resolutions passed in 1974 would mean that if a Member had a relevant interest this ought to be indicated on any Notice which he tabled, whether or not the interest had already been registered. The Government considered the complex scheme proposed by the Committee to cover this procedure to be, as the Committee themselves admitted, cumbersome and essentially time wasting. For this reason they had formulated the second motion which would have the effect that an interest would not have to be disclosed in tabling a written notice, whether of a Question, motion or amendment. Third, the second motion also excluded supplementary Questions from the scope of what constitutes 'proceedings' for the 1974 resolution; again on the grounds that if an interest had to be declared when asking a supplementary Question the effect would be cumbersome and would inevitably slow up Question Time.

Mr J. Enoch Powell (UUUC) spoke forcibly against the Register. He had not been a Member of the House when they had agreed to the principle of compulsory registration.³⁸ Although he accepted that this debate was formally concerned with the machinery of implementing the resolutions, he considered that if the House now disagreed with the machinery then this presented a way in which they could revise their view, if they so desired, as to the principle. Indeed, because the context in which the House was now discussing Members' financial interests was different to the 'state of near hysteria' which he considered had existed a year or so ago, he submitted to the House that they had a duty maturely to reconsider what they were doing. Evoking the spirit of the issue-attention cycle model discussed in Chapter 1, and demonstrating that there are genuine differences of opinion among Members as to what action, if any, on the part of the House is appropriate at each stage of the cycle, he argued:-

'... there is a great contrast between the background and atmosphere in which we are sitting tonight and that which surrounded the earlier discussion on this subject. It is often the experience that quite suddenly a subject becomes of almost overpowering interest.

if not to the House itself, to the Press and the media - more to the Press, usually than to the public at large - and the House feels impelled to some extent to give way, against its better judgment to that clamour, but always reserving, for we have a sort of instinct of self-preservation, the means of reconsideration at a later date.'³⁹

Mr Powell stated that if the House divided on the first motion he would vote in the 'No' Lobby for two separate and distinct reasons. First, because he believed the proposal to be ineffective, degrading and 'riddled with lacunae'. It was unnecessary because the climate of mutual trust and familiarity among Members already enabled them to judge what motives and what credibility may attach to their contributions to debate. It was degrading because it undermined the hallmark of the convention of declaration since time immemorial. It was his belief that the House could 'not change what (was) a requirement of honour into a mere formality of registration'.⁴⁰

Second, and in his view more important, he believed the proposal to be unlawful and unconstitutional. He agreed that the House has an absolute right to regulate by resolution its own procedures and for this reason, although he did not like it, he did not object in principle to the first Resolution passed in May 1974 converting into a rule what had previously been a convention of the House. However, he considered that the Resolution the House were now considering was not for the purpose of regulating their procedure and ensuring Members complied with the traditions of the House, In his view:-

'What we are purporting to do by this resolution is to create a binding condition for being a Member of Parliament. We are introducing a new qualification to be fulfilled before a citizen who is elected a Member of Parliament can operate as a Member of Parliament.'⁴¹

In other words, he considered the House were purporting to change the law of the land and restrict eligibility to the House by mere resolution of the House. This was, he said, unconstitutional because 'it confus(ed) the effect of a resolution of the House, which is internal to the House, with legislation, which changes the law of the land and in which the House only participates.'⁴² These arguments are examined more fully below in the context of Mr Powell's refusal to comply with the register; an action which he threatened during the debate.⁴³

Several MPs echoed Mr Powell's remarks concerning the sacrifice of honesty and individual integrity, but nobody directly tackled his arguments concerning 'unconstitutionality'. Mr William Hamilton (Lab) took up what he considered to be a clarificatory statement made by Mr Powell later in the debate,⁴⁴ that if legislation were passed which altered the law of the land so as to make this a condition of being a Member of Parliament he, Mr Powell, would obey it. But, when interviewed for this study Mr Powell said that Mr Hamilton had missed the point. He explained he was indeed sincere in averring that he would obey the law duly made, but in fact he believed it would be discovered when attempting to legislate that the relevant interests could not be given the precise definition required in a statute.

Mr F. Willey (Lab) who had been Chairman of the 1974 Select Committee on Members' Interests explained how the Select Committee had perceived the problem referred to them and emphasised that '... the important thing is that we have provided a parliamentary solution to the problem which faced the House.'⁴⁵ By this he was primarily referring to the permanent Select Committee which they had singled out as the essence of their proposals.

During this lively, if short, debate many of the arguments and themes which had dominated the modern campaign for a register were rearticulated. Once again clear differences of opinion became visible on contentious issues such as privacy, honour, mutual trust, individual integrity and so on. Members were frequently reminded by the Speaker or his Deputy, calling for brevity, that not all who had indicated a desire to participate could be fitted in. Mr Joe Ashton objected to this because he felt that as he had not spoken on the subject since he was personally reprimanded by the Select Committee on Privileges, he was entitled to extra time in which to comment on the Report and to pursue his argument that a loophole in the procedures relating to disclosure of interests allowed the catering facilities of the House to be abused. He asked that the books of the Catering Sub-Committee be made available to any hon. Member, a matter which Mr William Price, for the Government, said ought to be decided by the Select Committee on Members' Interests, and which he said he would pass on with Mr Ashton's request that it should receive urgent consideration.⁴⁶

Like their predecessor's Report in 1969, the Select Committee's Report was criticised for embracing what some, predominantly Labour, MPs considered to be the question-begging assumption that it was proper for MPs to have outside interests. Arguing the case for full-time Members of Parliament, which he reminded the House had been endorsed by Lord Boyle, Mr John Prescott (Lab) commented:-

'A fundamental concept behind the report is that it still unholds the view that Members of Parliament can maintain two types of occupation. They can be employed as a Member of Parliament and conduct their parliamentary duties, but at the same time they can pursue other paid remunerative occupations outside the House. I believe the nature of these outside occupations brings with it a conflict of interest - not just in a pecuniary sense but as affecting the role of the Member, confidence in him and his image to his constituency.⁴⁷

Opposing this view several, predominantly but not exclusively Conservative MPs defended the possession of interests on the familiar ground that they provided MPs with knowledge and experience valuable to their parliamentary work and that they played an important part in securing the independence of Members from the Whips.

Members were also divided in their comments on the scope of the Register and the adequacy of the categories of registrable interests as defined by the Select Committee. Several Members pointed to the potential ambiguity of some of the categories, with Mr G. Strauss arguing the extreme view that the Register would create more problems than it would solve.⁴⁸ When interviewed for this study, he gave two main reasons for his dislike of the Register. Firstly, he believed that the Register as it stood was a 'sham', giving useless information on the pretence of being important. Secondly, in his view an 'effective' register would be 'intolerable' for reasons given in the 1969 Report, namely that it would be a piece of cumbrous inquisitorial machinery which would unjustifiably require a sacrifice of Members' personal privacy. Members were also divided on the issue as to whether the principle of registration should be extended to classes of persons other than MPs.⁴⁹

Summing up for the Government, Mr William Price concluded that it had long been apparent that there were two extreme views on the disclosure of Members' financial interests. One believed in little or no disclosure of information while the other held that Members should disclose every single detail. He believed that the view of the majority

of Members was located somewhere in the middle, and in accordance with this the all-party Select Committee had found a compromise formula 'which (gave) the appropriate amount of information whilst protecting some of the privacy of Members'.⁵⁰ He agreed with Mr Powell that Members knew enough about each other to be able to judge motives, but pointed out that what the House were seeking to do by introducing the Register was to enable the public, too, to judge motives. He stressed that the important consideration was whether a public register would give the electorate more faith in Members and Parliament as an institution. He believed that if Members rejected the motions before the House the public would inevitably think that there were matters on which the House preferred they should not have information. Therefore, he impressed on the House, 'Tonight we have the chance to improve our image',⁵¹ and in so saying provided further ammunition for the somewhat cynical view that in essence the establishment of the Register was largely a public relations exercise.

At the close of the debate, which had lasted just a little over 3 hours, the House divided on the main motion agreeing with the recommendations of the Report and proposing to establish a register in accordance with those proposals as soon as possible. The motion was carried by 183 votes to 23, including tellers (Appendix 4, Table 14). Although taken on a free vote, as in 1974 there were distinct party clusterings, with three-quarters of those voting in the 'yes' lobby being Labour Party Members, and, with the exception of 3 Members, all of those voting 'no' being Conservative Members.⁵² However, in contrast to 1974 when over 80% of Members eligible to vote had taken part in both divisions, the participation rate in this division was extremely low, with only one-third of Members eligible to vote doing so. Less than half of Labour Members actually voted for the Select Committee's recommendations (which meant that over half of Labour MPs were either absent or abstained) and less than one quarter of Conservative Members eligible to vote did so, with approximately 11% of the Party voting for the recommendations and 7% voting against.

The second division took place on Mr Golding's amendment which was defeated by 96 votes to 78, including tellers (Appendix 4, Table 15). Again some sharp party differences were apparent, with all but 2 of the 78 Members supporting the amendment being Labour Members.⁵³ However, Labour Members also accounted for more than half of the 96 Members who

voted against the amendment. The participation rate in the division was even lower than the first, with less than a third of the House taking part. Under half of the Labour Party eligible to vote did so (26% voting for the amendment and 17% voting against) while the Conservative Party were noticeably less enthusiastic, with only around 12% of Members bothering to vote.

Following this the main Members' Interests (Declaration)(No.2) Motion was agreed to by the House without a division.

Compilation and Publication of the Register

Shortly after the House had agreed to the recommendations of the Select Committee Mr David Pring, Clerk of Select Committees, was appointed first Registrar of Members Interests. He proceeded to arrange for the compilation and publication of the first edition of the Register.

In the intervening period between the June debate and the publication of the Register the Government were asked whether they now intended bringing forth legislation to establish a compulsory register of interests for 'all peers, councillors, senior civil servants, senior council officials and others in the upper reaches of public life'. They confirmed they were not and that a proposal of this kind would come within the remit of the Royal Commission on Standards of Conduct in Public Life, whose work was still in progress.⁵⁴ They were also questioned as to whether they would introduce legislation to ensure MPs were subject to the same conditions as civil servants in respect of the Corrupt Practices Acts. Mr A. Lyon replied on behalf of the Government that the Prevention of Corruption Acts were currently being considered by the Royal Commission and that the Government believed that the House would want to await their views before considering any changes in this area of the law.⁵⁵ Illustrating that it is a bit doubtful how far ministerial responsibility operates in this sort of area, the Government ducked questions specifically on the Register by saying that in accordance with the Resolutions of the House passed on 12 June, questions concerning the compilation and publication of the Register were matters for the Registrar of Members' Interests, in conjunction with the Select Committee on Members' Interests (Declaration).⁵⁶

By the time the House rose for the Summer Adjournment, enough progress had been made for a draft Register to be prepared. When the House reassembled in October the Registrar laid this before the Select Committee so that they could consider any particular problems which had arisen

during its compilation. Following this the Registrar circulated some of the Committee's conclusions to each Member, together with the proof entry relating to that Member. The Register was amended and printed in accordance with the replies the Registrar received.

When interviewed, Mr Pring recalled that at the beginning several problems arose concerning the categories of registrable interests. The requirement regarding land was very imprecise, involving subjective decisions by Members, and apparently gave rise to many questions. Similarly, there were problems concerning the registration of clients. A distinction had been drawn in the Register between clients who come to an MP because he is an MP, and which should be registered, and those who consult a Member not as, or because he is an MP but as a private individual and therefore need not be registered. In practice it proved difficult in some cases to decide whether a Member had been contacted in his public or 'extra-parliamentary' role. A third problem was that although general statements about the purpose of the register indicated the inclusion of gifts, the specific category of gifts from domestic sources had been overlooked. This omission gave rise to several queries about the registration or otherwise of gifts.

Most of these problems and more were considered by the Select Committee who, in their Second Report, came to several further conclusions about registrable interests.⁵⁷ First, they agreed that Ministerial office, and membership of the European Parliament, Council of Europe, Western European Union, the North Atlantic Assembly and the Northern Ireland Convention, did not need to be registered. Second, they took up the problem concerning clients. They recognised that the requirement concerning clients had caused some difficulties for those Members who practiced as a member of a profession in their constituencies, and who had no means of knowing whether clients came to them as a Member or not. They referred to their First Report where they had stated that there would be no general obligation to register names of clients, and considered that this would be a case where the House would not expect all clients to be registered. The Member was not, however, released from the requirement to register the name where he was in no doubt that his services to the client arose out of his Membership of the House, and he was certainly not released from his obligation to declare his interest in any proceeding of the House which involved his private practice. Third, they agreed that it

was unnecessary for a Member to register the fact that he was supported at an election by his local constituency party. Fourth, they agreed that overseas visits undertaken on behalf of the Inter-Parliamentary Union, the Commonwealth Parliamentary Association, the Council of Europe, the Western European Union, and the North Atlantic Assembly, or any Select Committee of the House, and any visit paid for by Her Majesty's Government or by any institution of the European Economic Communities, need not be registered. They also agreed that in registering an overseas visit, a Member should disclose the sponsor of his visit.

The Committee recognised the confusion surrounding the registration or otherwise of gifts and issued a clarifying statement to the effect that 'any pecuniary interest or other material benefit' as defined in para. 11 of the Report of December 1974 and referred to in para. 3 of the introduction to the First Edition of the Register (Nov. 1975), clearly included gifts.⁵⁸ With certain exceptions, such as state pensions, this phrase was also said to include pensions and annuities.⁵⁹ The Committee also considered a procedural matter regarding divisions which arose from the decision taken by the House on 12 June. While the Resolution of that date held that registration of an interest was sufficient disclosure for the purposes of taking part in a division, it made no provision for circumstances in which the interest was not registered but where the Member had not had an opportunity of declaring it. In such circumstances, the Committee recommended that a Member could inform the Registrar of the interest, after which, in so far as it affected the division, it could be noted in the Register.⁶⁰

The Committee advised the House that all Members had entered details of their registrable interests, with the exception of Mr Enoch Powell.⁶¹

The first edition of the Register recorded Members' interests as on 1st November 1975.⁶² An indication of the tentative nature of the first Register was contained in the statement that the format of the Register - particularly the balance that had been struck between what should be publicly known about an MP, and the proper right of that Member to some privacy - was open to revision at any time, since a Select Committee would be monitoring the working of the Register and could suggest changes if experience revealed any imperfections in the system.⁶³

Members were reminded that it was the responsibility of the individual Member, with or without the advice of the Registrar, to give the necessary information. Any inconsistencies in style or content of the entries in the Register are attributable to this fact.

Following a brief resumé of the rationale and purpose of the Register came the meat of the document; the Members' individual entries presented in alphabetical order. A systematic examination of these entries revealed the extent of Members who judged that they had interests which they were obliged to register. (Appendix 5, Table 17). Approximately 87% of the House made an entry under one or more of the 9 specific categories of registrable interests. The balance of Members registered 'nil', with the exception of Mr Enoch Powell. The entry against his name stated simply that he had not returned the form for the registration of interests.

Of the 84 Members who registered 'nil' interests (a full list of whom is included in Appendix 5, Fig. 4) 63 were Labour, 10 Conservative, 2 Liberal and 9 belonged to parties other than these three. In terms of the percentage of each of the two main parties who registered 'nil' interest, this was approximately 20% of the Labour Party and 4% of the Conservative Party (Appendix 5, Table 18). These 'nil' interest entries were checked against the 1975/76 edition of Mr Andrew Roth's Business Background of MPs, and while no startling instances of non-disclosure emerged, a category of interest which was frequently omitted was that of authorship, with the potentially associated financial benefit of royalties.⁶⁴

A record of the number of entries made under each classified entry in the Register is contained in Appendix 5, where this information is presented both in terms of the whole House (Table 19) and in terms of classified entries in the Register by Party (Table 20). In interpreting these tables it must be borne in mind that the total under each of the 9 specific classifications is the number of MPs who have made one or more entries under that heading. It does not record the scope and size of entries each MP made under that heading. These statistics derived from the Register are subject to many limitations and qualifications (discussed below) and any attempt to conduct statistical analysis on them in terms of significance tests for party differences would be attributing to them more importance than is warranted. Nevertheless, they do give some indication of the spread of Members' financial interests as illustrated by the Register, however imperfect a recording device this might be.

On the whole, these tables bear out existing pre-conceptions concerning the spread of Members' financial interests, particularly in terms of party differences, which derive from published data on Members socio-economic backgrounds.⁶⁵

As on 1st November 1975, the percentage of each of the two main parties recording at least one entry under each heading was as follows:-

Abbreviated heading in Register	% Labour MPs	% Cons. MPs	% Whole House
1. Directorships	7.9	54.5	29.4
2. Employment or Office	11.9	32.9	21.4
3. Trades or Professions etc.	30.2	56.0	42.2
4. Clients	2.2	5.8	3.6
5. Financial Sponsorship	49.4	0.7	25.2
6. Overseas visits	20.4	23.1	20.8
7. Payments from abroad	3.8	5.1	4.6
8. Land and Property	4.4	22.0	12.8
9. Declarable Shareholdings	5.3	31.8	17.0

Source: Derived from Appendix 5, Tables 19 and 20

With the one exception of category 5, financial sponsorship, where the higher percentage of Labour Members than of Conservative Members reflected their traditional link with the trade unions, a larger percentage of Conservative Members than Labour Members recorded at least one entry under each of the 9 specific categories of registrable interests. The long association of the Conservative Party with Business was well in evidence with approximately 55% of Conservative MPs as opposed to 8% of Labour MPs making an entry under category 1, Directorships; Conservative MP Mr Arthur Jones topping the league table of directorships with 36. Party differences were less evident under category 6, with approximately 20% of the Labour Party and 23% of the Conservative Party recording one or more overseas visits. Few Members of either Party had interests to disclose under category 4, clients, or category 7, payments from abroad. Correspondingly, these two categories were the lowest in the league table of categories as measured by the percentage of the House as a whole who recorded at least one entry. Top of the league was category 3, Trades or Professions, etc., with approximately 42% of the whole House recording an entry here.

While giving some indication of the picture of Members' interests as provided by the Register, these tables and statistics provide only some of the detail. They show the quantity of Members who have made an entry under a certain heading but say nothing about the nature of

those interests. As illustrated below, a survey of the content of the entries revealed vast differences in the nature or extent of interests which in the tables are classified equally as one or more entries under a particular heading. Further, there is the problem already alluded to of self-allocation by MPs, and the associated problem of differences of perception or judgment as to what does or does not constitute a registrable interest; and if it does, what classification it should be entered under. There is also the problem of inconsistency in the style or content of the entries. All these limitations and qualifications have to be taken into account when assessing the usefulness of the information provided by the Register.

Newspaper comment regarding Members' entries in the Register was generally sceptical, the Sunday Times of 30 November 1975 observing that 'because of the way the Commons Select Committee drew up the questions that MPs had to answer, its report probably conceals more than it reveals'. They concluded that the Register appeared to be little more than a 'public relations exercise'. The Press speculated that several Members had been able to circumvent the criteria of the Register and quite legitimately, though against the spirit of the Register, either give a deceptive picture of their interests or register no interests at all. While journalistic exposés of this kind belong more properly in newspaper commentary than in an academic study, some discussion of the examples seized upon by the press, along with others taken directly from the Register, helps to illustrate the limitations of the Register as mentioned above.

The most obvious gaps and anomalies were as follows:-

Directorships: This category was widely interpreted by Members and encompassed entries referring to paid directorships, unpaid directorships, non-executive directorships and chairmanships; the exact nature of these was not always made clear. More importantly there was the problem of directorships of Holding Companies. Some MPs, for example Mr John Cope (Cons) who held a directorship in Godfrey Syrett Holdings Ltd. judged it sufficient simply to record the name of the company. Others, an example being Mr David Crouch (Cons), felt obliged to provide a full client list of the company; in Mr Crouch's case Burson-Marsteller Ltd. A further limitation of this category was illustrated by Mr Tom Normanton's (Cons) comment to Andrew Roth,⁶⁶ that although he held 14 chairmanships and directorships only 4 were listed in the Register. All the others were non-remunerative posts and therefore none of them had to be included in the Register.

Employment or Office: In some instances Members appeared to find that their entries under this category overlapped with those under Directorships. For example, having listed 'Slater Walker (Middle East) (Managing Director)' and 'Slater Walker (Lebanon) (Managing Director)' under Directorships, Mr Jonathan Aitken (Cons) then recorded 'as above' under the next heading of Employment or Office. Also, Members who were parliamentary advisers or who were consultants appeared to be divided as to whether these interests should be recorded under Employment or Office (as, for example, did Mr James Boyden (Lab) Parliamentary Adviser to the Inland Revenue Staff Federation, and Sir Bernard Brain (Cons) who listed 3 consultancies), or alternatively, whether they should be entered under Financial Sponsorship (as, for example, did Mr Geoffrey Finsberg (Cons) Parliamentary adviser to National and Local Government Officers Association and Licensed Victuallers London Central Board, and Mr Michael Roberts (Cons) Consultant to the National Union of Teachers).

Clients: Here there appeared to be confusion over whether MPs should list the clients of companies with which they were associated. For example, while Mr Patrick McNair-Wilson (Cons) listed the 15 clients of his public relations company, Mr Michael Roberts (Cons) adjudged that a statement of his connection with a public relations firm, John Addey Associates, was sufficient disclosure. Solicitor Bruce Douglas-Mann (Lab) illustrated the practical problem, alluded to above when discussing the introduction of the Register, of trying to distinguish clearly between those clients with whom a Member has a relationship qua Member, and those who deal with a Member in his private capacity. After listing the clients of his law firm he added:-

'No remuneration received from clients for anything done in my capacity as a Member. But the clients occasionally supply information that is useful in my parliamentary work or express views which, when I agree with them, I may reiterate.'

Financial Sponsorship: This category mainly attracted entries concerning trade union sponsorship, although as mentioned above, some Members also interpreted it to include parliamentary advisers and consultants. MPs seemed unclear about how much they should reveal. Illustrating this point, the Sunday Times (30.11.1975) observed that Eric Moonman (Lab) listed 'financial sponsorship by the National Graphical Association both as a candidate and as a Member', without putting a figure on the sponsorship, while in contrast, Mr John Cronin (Lab) said that the Confederation

of Health Services Employees contributed £500 per annum to his constituency Labour Party.

Material Benefits: While obliged to record their remuneration from employment or directorships, Members were not required to disclose other 'material benefits or advantages' unless these came from abroad. So, as the Sunday Times (30.11.1975) pointed out, if an MP was the recipient, Mr John Poulson's practice of providing free architectural services and in some cases building houses, would not have to be recorded under any of the 9 specific categories in the Register.

Land and Property: Anomalies concerning land and property derived largely from the fact that the appropriate rule did not define what constituted land of 'substantial value' requiring disclosure. While some Members felt obliged to record their homes as property interests, other Members with more valuable properties and with a different assessment of what amounted to substantial value were able legitimately to record a 'nil' interest; the Sunday Times of 30.11.1975 listed in particular three Cabinet Ministers, Mr Edward Short, Mr Anthony Crosland and Mr Denis Healey. Even where certain Members did provide information regarding their substantial property holdings this was frequently deceptive. For example, although Mr William Whitelaw (Cons) was within the requirements of the Register when he recorded that 'I still retain a comparatively small amount of land near Glasgow, the ownership being mainly in the hands of my daughters', the value of his entry appears dubious when compared with the following extract of his interests contained in Andrew Roth's 1975-76 edition of The Business Background of MPs:-

- 'Landowner: Woodhall estate near Kirkintilloch, near Glasgow (with wife made three applications for outline planning permission in 1973).
- Farmer: 300 Acres, Ennim, near Penrith, Cumberland (raises beef).
- Co-owner: Mount Pleasant at Blencowe, near Penrith (with one of Europe's leading herds of Charolais cattle).'

Declarable Shareholdings: The Register required Members to declare their shareholdings only when this amounted to more than one per cent of the company's nominal value. Thus, Mr Alan Clarke (Cons) whose shareholdings were listed in Andrew Roth's book as 'nothing over the value of £10,000 in any one company, apart from six \$10,000 shares in Woods Petroleum field in Brunei' did not need to record any of his shareholdings in the Register. Similarly, under the one per cent rule Mr James Callaghan (Lab, then Foreign Secretary) who according to Andrew Roth in 1975 owned

with his wife £5,000 worth of shares in the Commercial Bank of Wales was not obliged to reveal this.

In addition to these gaps and anomalies, the value of the information contained in the Register was diluted further by the more general problem that some Members treated the Register light-heartedly to ridicule it. The entry made by Mr Andrew Faulds (Lab) under Trades and Professions which began, 'Actor with a valuable voice', aptly illustrates this point.

Later Editions of the Register: The Enoch Powell case.

Whereas the first edition of the Register had required Members to register interests which had been effective at any time since the beginning of the then present Parliament, and had therefore included interests which had lapsed before the Register was printed, the second edition of the Register listed interests that existed on 26 May 1976.⁶⁷ Members could take off interests provided they had been initially recorded in the first Register. This produced a slightly different approach to registration. As before interests did not have to be registered until they were actual, rather than potential. The Register stated that it was the intention of the Select Committee to publish a new edition of the Register at the start of each parliamentary session.

The First Report from the Select Committee on Members' Interests for the 1975-76 Session,⁶⁸ which accompanied the publication of the Register, recorded two further conclusions which the Committee had reached regarding details of registration. First, they recommended that where a Member's directorship of a company required him to be a director of other subsidiary companies, it was advisable that he should disclose in the Register the names of the subsidiary companies.⁶⁹ Second, they concluded that information about registered visits should be allowed to accumulate in the Register; but this would not prevent the Committee from reviewing the subject at a later date to decide whether such information, having once been registered could not be omitted from the Register after a certain period.⁷⁰

The Committee noted in their Report that they had received no complaints from Members, or from the public that information contained in the first edition was incorrect, but they drew attention to the problem that one Member, Mr Enoch Powell, had continued to disobey the injunction of the House to register. In March 1976, on behalf of the Committee

the Registrar had written to Mr Powell asking him to explain why he had not complied with the Order of 22 May 1974. In reply Mr Powell had referred the Registrar to his letter of 1 July 1975 in which he had alluded to his speech in the House on 12 June 1975 where he had argued that the Orders, not having been imposed by legislation, were unconstitutional. Mr Powell had asked the Registrar to lay this letter before the Committee. The correspondence concerning this matter was attached as Appendix 1 to their Report.

The Committee reminded the House that in instituting a Register without powers to support it the House had expected that all Members would comply with its Orders. Citing para. 37 of the December 1974 Report of the Select Committee on Members' Interests (Declaration), they acknowledged that the House might consider the refusal of Mr Powell a contempt. However, thinking it more satisfactory if the House made general provision by exercising its right to regulate its own proceedings in a way which would be binding on all Members, they recommended that the House should do so via a new standing order modelled on, though differing from the existent Standing Order no. 24 (Order in Debate). Proposals for such a standing order, which would provide for the suspension of a Member who failed to register his interests wholly or in part, were contained in Appendix II of the Report.⁷¹ The Committee stated that in reporting to the House the failure of a Member to obey its Orders they expected the House to be prepared to uphold the Register which it had instructed should be compiled and maintained.

Mr Enoch Powell's position - a review

Before examining the reaction to the Select Committee Report, it is convenient to examine more closely Mr Enoch Powell's reasons for refusing to comply with the Register. During an interview for this study he elaborated on the two main reasons which he had given during the debate on 12 June - namely that the Register was degrading to the House, and more importantly, that it was unconstitutional. Mr Powell insisted that he could have offered several arguments against the resolution even if it had been constitutional, but he felt that he had to be careful not to argue these reasons at length or to give them too much emphasis because that would detract from the likelihood of his constitutional position being understood.

He stressed that his 'protest' position, which rested on the grounds that the Register was unlawful and unconstitutional, was in a way separate from and independent of the reservations which he would have supposing the resolution was constitutional. The nub of his argument was that the House was imposing by resolution a new qualification for Membership, namely having to make a return in the Register if they wanted to sit and vote and speak as Members of Parliament. This he said was unconstitutional because the House could not by its own resolution alter the conditions of Membership. This was a confusion between the effect of a resolution of the House, which is internal to the House, and legislation, which changes the law of the land and in which the House only participates. He argued that the fact that the original Select Committee on Members' Interests (Declaration) in 1974 had found themselves led on to consider candidates, particularly the unfairness in the case of an election at which the ex-Member who was standing had to declare his interests while the other candidates were under no obligations to disclose anything, lent support to his argument that the resolution of the House attempted to alter the law of the land and not just to regulate procedure of the House.

He pointed out that there was an 'unresolvable paradox' in his position. On the one hand, he was saying that the House of Commons has the right as the House of Commons to pass any resolution and to punish any Member either for disobedience or for no cause shown. This position asserts the unrestricted power of the House of Commons over its Members on the grounds that 'you cannot uphold the sovereignty of Parliament unless you accord to each House of Parliament unlimited power'. Here he means unlimited in the sense of not being limited by the possibility of appeal to any other authority. There is an appeal - in a metaphorical sense - to the electorate. But this appeal is only indirect, i.e. if the electorate so wish they can make nonsense of the House's right to expel a Member by repeatedly re-electing him as in the case of John Wilkes.⁷² From this position of the unlimited jurisdiction of the House over its own Members, he would agree that the House could expel him for not complying with the resolution, whether or not his constitutional contention was correct.

On the other hand, he was asserting that the House of Commons was attempting to do something that it could not do without 'betraying its

own essence'. In his words, 'you cannot, as maker and upholder of the law, purport to make law in a way that law cannot be made'. He was, he said, in 'the classic position of a person who disobeys in the name of a higher right while fully acknowledging the authority which he disobeys'. He likened his position to that of Saint Thomas More who, in 1534, refused to accept King Henry VIII's supremacy over the Church. More did not dispute the omnicompetence of Parliament but would not obey because it was doing something which judged from another standpoint it could not do. More's proposition related to the universal Church and its nature, while he was faced with a conflict between, on the one hand, the right of the House to enforce upon its Members any resolutions that it pleases, and on the other hand, the right of all citizens to live under the rule of the law, and more specifically, in this case, to have the conditions and qualifications for Membership of the House of Commons determined and fixed by the law. He held that this conflict of right, and the associated conflict of loyalty - conflict between the loyalty that a Member owes to the House and that which is owed to the constitution - can be resolved only from the standpoint of the constitution, viz. that the conditions and qualifications for Membership of the House must be determined and fixed by the law. Mr Powell added that his objective was different from More's. Whereas More objected on grounds related to the content of the Act, his objection was irrespective of the wisdom or otherwise of the resolution. He saw no solution to the paradox. He insisted that he would not consent to making a return to the Register, whatever the consequences. Whether the House should, or could as a matter of practicality, punish him, he saw as another issue; but he agreed that, if it wished, the House did have the power to punish him.

Reaction to the recommendations of the Select Committee

One month after the Select Committee had reported the refusal of Mr Enoch Powell to comply with the Register, Mr D. Skinner (Lab) asked the Leader of the House, now Mr Michael Foot,⁷³ what steps he was taking to ensure the recommendations of the Select Committee were fully implemented. Mr Foot replied that it was for the House to consider the recommendations made in the Report, but that it was unlikely that time could be found for the Report to be debated before the Summer recess.⁷⁴ In fact, the by now minority Labour Government (having suffered a series of by-election defeats since their election with an overall majority of

three seats in October 1974) was experiencing great difficulties in managing the parliamentary timetable. Under the new leadership of Mr James Callaghan⁷⁵ it had weathered by a majority of 19 votes a motion of no confidence moved by Mrs Thatcher on 9 June 1976, but with the breakdown of pairing and of the usual channels during the passage of the Aircraft and Shipbuilding Industries Bill, had been forced to postpone some legislation. Lack of time had led the Government to 'guillotine' debate on five major controversial bills in one day,⁷⁶ thereby injecting further controversy into an already turbulent and overloaded session. During this period, the Royal Commission on Standards of Conduct in Public Life completed its investigations, and in July presented its Report to Parliament.⁷⁷

The Government did not find the time to debate the Select Committee Report before the Summer recess. Shortly after Parliament reassembled it did, however, propose to tackle one unresolved aspect of the Poulson affair, by introducing a motion to appoint a Select Committee to inquire into the conduct and activities of Members of the House in connection with the affairs of Mr J.G.L. Poulson.⁷⁸ On 19 October 1976 the Attorney General had informed the House that the criminal investigations into the affairs of Mr Poulson had come to an end, thus clearing the way for any parliamentary inquiry that was considered appropriate.⁷⁹ The Committee, which was to consider whether any conduct or activities of Members in connection with the Poulson affair amounted to a contempt of the House or were inconsistent with the standards which the House was entitled to expect from its Members was ordered to sit in private; no person not being a member of the Select Committee was permitted to be present for the purposes of their inquiry. The Committee also had discretion over what oral and documentary evidence should be laid before the House.

The Government decision, supported by the Conservative Opposition, to hold the inquiry in private was taken after several days of protracted discussion between the parties on the nature of the proposed Committee, and left the Government open to charges of unjustified secrecy and closing ranks in their handling of the investigation of allegations against MPs. Liberal MP, Mr John Pardoe commented, 'the only thing Labour and Conservative parties ever agree about is secrecy. They are all for it'.⁸⁰ A joint operation between the Conservative and Labour front benches ensured that a Labour backbench amendment proposing that the proceedings of the

Committee should be held in public was defeated by 256 votes to 35, and a Liberal amendment suggesting the Committee should sit in public whenever it considered justice or public interest required it to do so was thrown out by 219 votes to 63.

Although this inquiry constitutes the most substantial parliamentary investigation of Members' conduct in recent times, it concerned events which occurred prior to the establishment of a register and the conversion of the convention of declaration of interest into a rule of the House. The Committee in reaching their judgment upon the conduct of Members sought to apply the test that the House would have applied to its Members' conduct had it been aware of the facts at the time; namely the custom of declaration. It is not, therefore, a case study of how the House would judge its Members' conduct in the light of the 1974 Resolutions concerning registration and declaration of interests. The Committee reported in July 1977⁸¹ and, evoking some ill-defined standards concerning individual integrity and the reputation of the House found that the conduct of Mr John Cordle (Cons) amounted to a contempt of the House, while that of both Mr Albert Roberts (Lab) and Mr Reginald Maudling (Cons) was considered to have been inconsistent with the standards which the House was entitled to expect from its Members. Mr Cordle resigned from the House on 22 July 1977.⁸² Four days later, during the debate on the Report from the Select Committee the House simply agreed to 'take note' of the Report of the Committee insofar as it related to Mr Roberts and Mr Maudling⁸³ with the result that:-

'... there is no authoritative guidance for the future on "the standards the House is entitled to expect from its Members".'⁸⁴

However, this cursory treatment of the fate of the Select Committee Report is not intended to underplay the drama of what was in fact a great House occasion. The fact that the House only took note of the Report, in so far as it related to Mr Maudling, followed a division which reversed the very different proposals put to the House by Mr Foot, that the House should agree with the Select Committee Report. The same also applied to Mr Roberts. Divisions also took place on amendments to expel the Members (proposed by Mr W. Hamilton) or to suspend them from the House for six months (proposed by Mr G. Strauss).

The Government continued in its unwillingness to provide time for debate on the Report from the Select Committee on Members' Interests and their intransigence led the Select Committee to issue a Special Report

in December 1976. This drew attention to the recommendations of their earlier Report and stated bluntly that:-

'Your Committee are of the opinion that until the House has enforced its original Resolutions and upholds the integrity of the Register, by this or other means, it will diminish Your Committee's standing to publish a further edition. They are not, therefore, prepared to commend such a further Register until the House has expressed a view on the force of its Resolutions.'⁸⁵

In effect, the Committee, no doubt embarrassed by Mr Powell's notification of his refusal to comply with the 1974/75 Resolutions, had unanimously decided to meet the Government's failure to allow the House time to reach a decision on the enforcement of its original Resolution by going on strike. Although their action prevented the publication for sale of further annual editions of the Register for the remainder of that Parliament, without abrogating a resolution of the House they could not prevent the Register from being compiled and maintained. Thus, the Registrar continued to keep an up-to-date manuscript edition of the Register both in his Office, where it remained open for public inspection, and in the House of Commons library for consultation by Members.

The Select Committee were relying on the Leader of the House to take up their ultimatum and table a new standing order making the penalty suspension from Membership of the House if an MP refuses to declare his interests as required. However, the situation remained unresolved at the time of the Summer Adjournment debate in July 1977, during the course of which several Members raised the issue of Members' interests; either with reference to the debate on the Report from the Select Committee on Conduct of Members, which had occurred two days before, and which had allowed Members some opportunity to stray on to the topic of the Register, or with regard to the recalcitrance of Mr Powell and the lack of Government initiative in allowing the House the opportunity to reach a decision on the issue.

Worried that the Register was 'in grave danger of becoming devalued' and that in operating it the House had become hamstrung by the defiance of one particular Member, Mr W. van Straubenzee (Cons) argued that insufficient attention had been given to the Special Report from the Select Committee on Members' Interests which had reported to the House in December 1976.⁸⁶ He had been informed by Mr Foot in May that although he thought the House would want to return to the question of debating the Register, perhaps in the wider context of standards of conduct in public life

generally, he could not promise time in the near future. Mr van Straubenzee was aggrieved that the House should reach the end of the term without having had that debate. At this time (as now) the House of Commons had discussed neither the Report from the Select Committee on Members' Interests, nor the Report from the Royal Commission on Standards of Conduct in Public Life.⁸⁷

In dealing with the usual wide variety of issues raised during the adjournment debate Mr Foot informed Members that the Government were still considering their attitude to the Report of the Salmon Commission. Referring to the one recommendation concerning Parliament made in the Report, namely that 'Parliament should consider bringing corruption, bribery and attempted bribery of a Member of Parliament acting in his Parliamentary capacity within the ambit of the criminal law',⁸⁸ he expressed his own personal doubts as to whether this recommendation took full account of the requirements and the rights of the House.⁸⁹ He preferred to reserve what else he had to say on the matter until it was debated by the House, but he gave no indication of when this would be. He did, however, remind the House of his belief, expressed in a different context in the earlier debate on the conduct of Members, that the House had to be very careful about interventions between hon. Members and their constituents; an allusion to the possibility that a Member who refused to register his interests would face suspension or expulsion from the House if the standing order recommended by the Select Committee on Members' Interests was accepted by the House.

The matter remained undecided when Parliament was dissolved in April 1979 after the Labour Government had been defeated in the House of Commons by one vote on a motion of no confidence. In the General Election on 3 May the Conservative Party, under the leadership of Mrs Margaret Thatcher, was returned to Office with a majority of 44 seats over all other parties, excluding the Speaker, and a majority of 71 over the Labour Party. Shortly after the new Parliament assembled the two remaining manuscript copies of the Register were withdrawn, creating a situation whereby no copy was available for inspection either in the Library or in the Registrar's Office, and no up-to-date published copy existed (the last published edition appeared in 1976). The copies were removed by the Registrar on the grounds that they contained information on persons no longer Members, notwithstanding the fact that if the Powell incident had not arisen the Register would have been published annually as intended and this information would have

been publicly available via Her Majesty's Stationery Office; an observation which caused the persistent Mr Rooker to ask whether copies would then have been removed from public libraries and government bookshelves.⁹⁰

The Registrar was obliged by the Resolutions of 1974 and 1975 to send out the declaration forms to all Members and produce a Master copy of the Register within a month of the new Parliament, but until the Conservative Government set up a new Select Committee on Members' interests, he had no authority to publish it.⁹¹

The Register in operation: 1975-1979

Although the Register was withdrawn after the May 1979 Election, three months earlier, in February, the Master copy had been consulted for the purposes of this study. A comparison of classified entries recorded in the Register in 1975 and 1979, both in aggregate and by party, is presented in Appendix 5, Tables 19 and 20. From this it can be seen that changes in the profile of interests recorded by Members during this period were very marginal. The main exception to this was the increase in Members - 5% of Labour Members and 13% of Conservative Members (aggregating 8% of the whole House) - who recorded an entry under Overseas Visits. The number of MPs recording a nil entry in 1979 was only 2% less than in 1975; this change being partly attributable to the small number of Labour Members who had previously not thought to register their financial sponsorship by trade unions.

Members included in the random sample survey for this study were questioned about the scope and format of the Register, and their answers, being given in the light of four years experience of the Register, give some indication of Members' conclusions on the working of the Register. Asked whether they were satisfied with the categories of registrable interests, only 20% of the sample said that they were and these were largely Members who had voted for the Register (Appendix 2, Q.10). A further 20%, all of whom had either voted against the Register or abstained, were unwilling to express an opinion because they saw the Register as trivial and irrelevant. They gave this response to all questions referring to the format of the Register. Among the remaining 60% of the sample who were not satisfied with the categories, the main reason for dissatisfaction was that the categories were ambiguous. Among those who voted for the Register further criticisms frequently cited were that the categories were not stringent enough and that the Register gave only a superficial picture of the 'direction' of interests; not their nature or amount.

While all those who were willing to express an opinion (i.e. 80%) did not think that any existing categories should be excluded (Q.11) a third of the sample, all of whom had voted for the Register, considered that further categories should be included (Q.12). Their responses tended to cluster around two categories of interest, namely 'gifts from United Kingdom sources'⁹² and 'a more stringent formula for shareholdings'. Although the number of the sample actually recommending further stringency in the latter area was low (approximately 17%) a considerable number of other Members expressed dissatisfaction with the definition of the present category concerning declarable shareholdings, and while not recommending specific changes, pointed out the anomalies the category gave rise to. The 'classic' case cited by both Labour and Conservative Members was that of a prominent Labour Member - Mr Harold Lever - who was able to register 'nil' interests whilst being known to be one of the richest men in the Labour Party. This case was quoted by Robert Adley (Cons) in 1979 to illustrate what he considered to be the uselessness of the Register. He pointed out:-

'It would be technically possible to own 4 per cent of the entire shareholding of British Petroleum, I.C.I. and Unilever and still have a nil entry in the register.'⁹³

A majority of the sample (over 80%) thought it would be impractical to register and/or declare non-financial interests (Q.14) although most of them thought that such interests could alter a Member's judgment. They considered that MPs' personal interests other than pecuniary ones are not susceptible to disclosure treatment. As commented by one Conservative Member:-

'Where do you draw the line. You shop at the Co-op, is this an interest?'

To require disclosure of non-pecuniary interests - for example, where Members educate their children - would not only create difficulties of definition and regulation, but, as several Members in the sample pointed out, would also alter the balance between privacy and publicity; a contentious issue which has been seen to be central to the debate over disclosure.

Although the principle of registration was restricted to Members of the House of Commons, 60% of the sample thought that other classes should be required to register their financial interests (Q.13). Their responses, which often included more than one class of person were diverse, ranging over the following categories: appointed members of public

bodies/boards (note the subsequent extension of the principle of registration to the National Enterprise Board⁹⁴), journalists/editors, civil service (top levels), anyone in an elected position (particularly local government), parliamentary lobby and public relations firms. Perhaps the most interesting omission from the classes mentioned by Members in the sample was that of parliamentary candidates; a category alluded to both by the Leader of the House in the 1974 debate on Members' interests and also considered by the 1974/75 Select Committee on Members' interests (Declaration). Of the Members who were against extending registration to other classes, several initially suggested the inclusion of journalists, but after further thought decided this would be impracticable.

Members in the sample were also asked how they would vote on a motion for its continuance. Over three-quarters of the sampled Members said they would vote for it to be retained (Q.18). This total included all of those who had voted in favour of the Register in 1974. It also included several Members who had voted against the Register or abstained on that occasion, but were now willing to vote for its continuance because, in retrospect, they saw it as a harmless exercise. Only one Member said he would abstain. However, as these responses were to a hypothetical question, and involve the problematic link between intentions and actual behaviour, it is likely that in practice the abstention rate would be higher. It should also be noted that voting for the continuance of the Register would not be quite the same thing as voting for the introduction of the Register as in 1974. The latter was concerned with implementing a change in the procedures regulating Members' interests, whereas the former would be a vote for the continuance of the status quo, unless the motion included changes in the format of the Register.

Since the introduction of the Register there have been two Registrars of Members' interests; Mr R.S. Lankester taking over from Mr D.A.M. Pring during the Summer recess in 1976. Existing staff were chosen by the Clerk of the House for this new appointment and took on extra functions; Mr Pring at the time being Clerk of the Select Committees and Mr Lankester, Clerk of the Expenditure Committee. When interviewed Mr Pring commented that although during the time of producing the Register (particularly the first four weeks after a general election) the job of being Registrar was totally full-time, once it became routine, the work associated with the Register took up only between an estimated 5% to 15% of his time; a pattern that was confirmed by the experience of Mr Lankester.

The nature of the routine work consisted mainly of answering queries and preparing for meetings with the Committee. Mr Pring remarked that the Committee met only when they had enough questions to ask, and looking back over past parliamentary sessions he recalled that in 1975-76 they held 4 meetings, in 1976-77, 2 meetings, and in 1977-78, only 1 meeting. The level of consultation of the Register was also low. Mr Pring recollected that he possibly answered 2 or 3 letters a day and used to get occasional visits or telephone calls from Members (who could, of course, also consult the Library copy of the Register). Mr Lankester stated that he received 10 or 12 queries a week. Most of these were from journalists, researchers, or other Parliaments - for example, Australia, Gibraltar and the Isle of Man - who were considering setting up registers and wanted administrative advice. There was also a query in July 1975 from the Royal Commission on Standards of Conduct in Public Life, who hoped to report the following year and wanted to know about the Register in order to judge the extent to which they needed to cover the position of Members. Very few queries were received from the general public.

In the performance of their duties both Registrars confirmed that they followed closely the definition of the role and functions of the Registrar in compiling and maintaining the Register as set out in the 1975 Select Committee Report on Members' Interests. They emphasised that the Registrar has no power of initiation and does not chase up MPs who he may think have not registered a certain interest. Apparently no formal complaints (i.e. allegations that an entry is not complete or is inaccurate) have come before the Select Committee. Some complaints have arisen informally through approaches to the Register, but these have never been followed up.

However, while no complaints have come before the Select Committee, throughout the four year period of the working of the Register covered by this study they were confronted with the non-compliance of Mr Enoch Powell and, as has been shown, their response was to prevent further editions of the Register being published until the House had had the opportunity to decide on the matter. The consequence of this has been that the changes and improvements in the Register envisaged by their Chairman as the logical next step after their initial recommendations (which he viewed 'only as a beginning') have not occurred. According to the Chairman, the Select Committee had begun looking at definitions and so on and had intended to continue this examination - in a wider area than just the Register - but were stalled by the Powell incident. Consequently, the Register has hardly developed from its embryonic form.⁹⁵

PART 3

CONCLUSIONS AND BROADER OBSERVATIONS

CHAPTER 7:

Members of Parliament and Conflict of Interest

The findings presented in Section 2 enable us to draw conclusions about the 'modern campaign' for a register of Members' interests, and offer some broad observations on the way in which the House of Commons tackles the problem of conflict of interest. More specifically, they enable us to assess whether the alterations in the regulation of Members' interests made by the House in 1974 constitute a genuine departure from the House's traditional approach to the problem as documented and discussed in Chapter 3.

The 'modern campaign' for a register of interests

The first parliamentary landmark in the 'modern campaign' for a register of Members' interests which began in the early 1960s was the 1969 Select Committee on Members' Interests (Declaration). We have seen that the emergence of this Select Committee was consistent with the pattern manifest in the history of the House's ad hoc approach to the regulation of Members' interests and embodied in the concept of an 'issue-attention cycle': that without the stimulus of periodic scandals and the resultant 'public' and parliamentary anxiety, the House would not of its own accord have considered taking the initiative to regulate Members' interests. The Gordon Bagier case, linking to the wider issue of declaration of interest, appears to have been the main trigger in an accumulation of events leading to the setting up of the 1969 Select Committee.

Parliamentary and Government inactivity on the issue of Members' interests following the publication of the 1969 Select Committee Report indicates that the outcome of such an 'issue-attention cycle' need not be a move, whether real or apparent, towards greater publicity. In this instance, by the time the Select Committee had reported the anxiety and stimulus for reform which had surrounded its inception had subsided. Customary inertia reasserted itself, encouraged by a Conservative Government who, as stressed by Mr Whitelaw, preferred 'to rely on the good sense of hon. Members rather than on formalised rules'.¹ This period of inactivity should not, however, be overlooked. As explained in Chapter 1, the failure of an elite to act or make decisions is in itself often of greater importance than the decisions they do make, and non-decision making can in itself be a manifestation of bias. In this instance, bias was created not simply by individuals such as Mr Whitelaw, Leader of the House,

making choices between the alternatives of introducing formalised rules such as a register or relying on the good sense of Members. It was also sustained by the predominant traditional ethos and practices of the House which informed individual decisions, and which continued to encourage trust in the honour and self-restraint of individual Members along with a belief in their right to privacy.

On the basis of documentation presented in Chapter 5, the Resolutions on declaration and registration of Members' outside interests which eventually emerged in 1974 can be interpreted as the outcome of yet another 'issue-attention cycle' concerning Members' outside financial interests, this time triggered off by the Poulson revelations in 1972. The random sample survey provides support for this view, with approximately 77% of the sample citing individual scandals, primarily the Poulson affair, as a main factor influencing the House's approach to disclosure at this time. Most of these Members also cited the catalytic effect of the publicity surrounding these scandals created by the mass media (Appendix 2, Q.5b). The survey also indicates that the majority of the House was at this time aware of the public and parliamentary anxiety generated by these events, and that this climate of opinion was influential in guiding Members' attitudes towards disclosure (Appendix 2, Q. 5a and 5b). The extent to which the Poulson affair changed opinion in the House was best summed up by one House of Commons Clerk as follows:

'Before that (the Poulson affair) I believe that the vast majority of Members thought that some kind of patchwork on the lines of the 1969 Committee's recommendations was quite enough; what was needed was to apply and underline traditional House practices. During and after that affair, it was a different story; a Register of Interests became inevitable'.

Several other contributory factors were mentioned by respondents. A small number of MPs (13%) attributed any changes in Parliament's approach to disclosure to the political motivation of certain groups of MPs or lobbies. Their party affiliation indicates that this was a belief held predominantly by Conservative Members of the House, some of whom were suspicious of the motives of certain 'left-wing' elements in the Labour party in campaigning for a register, believing them to be concerned with creating a full-time House of Commons. While this interpretation of political motivation is largely a matter of opinion, parliamentary documentation examined in Section 2 of this study does lend support to the view that a small number of MPs or groups of MPs were particularly active

in the campaign for a register of interests as 'opinion-leaders'. These were mainly Labour MPs, the most notable being Mr Arthur Lewis and Mr William Hamilton. The latter can be singled out as the most ardent campaigner for a register of interests, pursuing his cause through Parliamentary Questions, Early Day Motions, raising the issue on the Adjournment and submitting a scheme for a register to the 1969 Select Committee on Members' Interests (Declaration). He was not himself, however, an advocate of an exclusively full-time Parliament and made this clear in the debate on the 1974 Resolutions:

'I do not believe in a full-time Parliament. God forbid that we ever get 635 full-time Members of this House. It would be a political monastery ... This place benefits greatly from people with outside financial interests. What I want is these interests declared and a recognition that the House could not work unless it had a considerable nucleus of full-time Members'.²

Once the Register was established, his agitation on the issue of Members' interests ceased.

Several Labour MPs in the sample did mention the factor of a growing awareness among Members, confirmed by the Boyle Report in 1971, that the job of a Member of Parliament had changed, and that MPs should be paid by the House of Commons as full-time. This argument was also put forward during an interview conducted with Mr Michael Foot, who became Leader of the House shortly after the register was established. He expressed the belief that one of the main pressures for change had come from the new wave of MPs coming into the House in February 1974, thinking that membership should be a full-time job. Analysis of Members' voting behaviour on both the Conservative amendment to the Government's motion on declaration of interest, and the motion establishing the Register suggests that it was not only a new wave of Labour MPs favouring full-time membership that facilitated change in the regulation of Members' interests, but also the influx of new Conservative Members who were more likely than their senior colleagues to vote against the amendment and in favour of a register (Appendix 4, Tables 11 and 13).

Finally, reference was made to the timing of the Resolutions. Several Conservative and Labour MPs argued that these occurred at a politically sensitive time. There had just been one general election, which returned a Labour Government more favourably disposed than the Conservatives to implementing a register, and another election was pending. Both parties were anxious to reassure the public and to avoid being accused of dropping

the issue or of being secretive. It was speculated that if there had not been a general election pending, the issue of the Register may have been quietly buried.

In contrast to the 'issue-attention cycle' which involved the Bagier affair and the 1969 Select Committee, that triggered off by the Poulson affair did result in a move (whether real or apparent will be discussed later) towards greater publicity. We have seen that in May 1974 the House agreed to the Resolutions concerning the declaration and registration of Members' interests. From the available evidence it appears that whereas public and parliamentary anxiety slackened off after the 1969 Select Committee had been established, allowing the House to bury the issue, the series of prosecutions for corruption resulting from the Poulson affair, and further incidents such as the privilege case concerning Mr J. Ashton and the minor 'scandal' concerning Mr B. Walden, kept the problem of Members' interests a live issue in 1974. Additionally, as commented above, these events coincided at a politically sensitive time.

With the emergence and acceptance of the 1974 Resolutions on declaration and registration of interests there is also some indication of a shift in the balance of opinion within the House on the beliefs values and habits of thought which had traditionally guided Members' appraisal of the regulation of interests. This shift included movement in both intra- and inter-party opinion.

First, acceptance of the proposal for a compulsory register indicated that despite deep divisions of opinion, a majority of the House now agreed with Mr Short's view that public anxiety about MPs' financial interests had created a situation where it was necessary for Members collectively to sacrifice a certain amount of privacy in order to restore public confidence in the House. The random sample survey indicates that Members voting for the Register accepted the argument that entry into public life involves some erosion of privacy which is not expected of a private citizen (Appendix 2, Q.2). One such Member (Lab) explained:-

'If MPs want the privileges of being an MP they also have to make some sacrifices, and privacy is one of these sacrifices. MPs must be seen to be above suspicion'.

However, the survey suggests that over two-thirds of those voting against the Register also believed that entry into public life entails an erosion of privacy. Therefore, while voting in favour of the Register was an indication that a Member was willing to accept less privacy for MPs, a

'no' vote did not necessarily indicate that a Member was against such erosion of privacy. As commented in Chapter 5, a Member could favour the principle of disclosure, but not the form of the Register. However, on the whole those Members voting against the Register but admitting that entry into public life involved erosion of privacy did not consider that it was desirable that this should occur, merely that it was inevitable. As stated by one long-serving Conservative MP in this category:-

'If you go on a stage you are likely to be treated differently. If you become an MP it is likely there will be certain privileges and responsibilities. You will not be treated as an ordinary citizen.'

The sample survey also indicates that those MPs who considered Members should not have less privacy than private citizens either abstained or voted against the Government Motions, preferring to rely on the traditional practices of the House (Appendix 2, Q. 2 and Q. 7, Table 6 and Table 7). There are obviously different degrees of privacy and a problem encountered in interpreting the survey data is that Members could say that MPs must give up some privacy on taking public office but mean very different things. Few Members liked to admit to favouring privacy for fear of connotations of secrecy being attributed to their views.

Secondly, it has been seen that some, predominantly but not solely Conservative, Members viewed the Government's proposals as conceived under pressure to meet the outcry of the moment. They argued that the imposition of formalised rules undermined the honour and self-restraint of the individual Member and signified a decline of confidence in the qualities of loyalty and mutual trust which had traditionally characterised Parliament as a meeting place of gentlemen.

Thirdly, as indicated above, the proposals for declaration and registration of Members' interests were viewed by some Conservative Members as the first step on the slippery slope towards a full-time House of Commons. This view, reminiscent of the fears expressed by the Conservative Party when opposing the motion to introduce payment for Members in 1911, was illustrated by Mr Prior who claimed, '(t)here are some Members of the Left wing of the Labour Party who regard this whole exercise as one of creating a full-time House of Commons.'³ Although the Government attempted to exclude the question of whether Members should have outside interests from the scope of debate, Members speaking both for and against outside interests indicated a general feeling that the issue of Members' interests was inseparable from the fundamental question of whether MPs should be full-time or part-time Members of Parliament.

However, the principles of declaration of interest and of compulsory registration are concerned only with the disclosure of interests and not with their prohibition. As such, although the resolutions may have been launched on the tide of growing acceptance of the principle of full-time membership, and may have indicated a growing awareness among parliamentarians of the problem of conflict, or apparent conflict, of interest associated with the possession of outside interests, their acceptance cannot be equated with a deliberate step towards a full-time House of Commons. Nor did it necessarily indicate a move away from the presumption by a majority of MPs of the propriety of having outside interests. The sample survey indicates that over two-thirds of the House which approved the Register still believed that MPs should be able to have outside interests, and that a similar proportion actually had outside paid or unpaid employment.⁴ (Appendix 2, Q. 25 and Q. 26, Tables 8 and 9). Less than one-third of the House was in favour of a full-time House of Commons with Members debarred from holding outside interests; these Members would almost certainly have been Labour MPs and would have voted in favour of the Register.

We should perhaps pause here to consider whether there is in fact agreement within the House as to what is understood by full-time and part-time membership of Parliament. The sample survey suggests there is not and also warns against dichotomising too rigidly between full-time and part-time MPs. Full-time membership had been given authority by the recommendation of the Boyle Report in 1971 that Members' remuneration should be adequate to provide for full-time Members without other sources of income. As we have seen, in the past the inadequacy of MPs' salaries and allowances has contributed to their seeking or retaining outside sources of income with the consequent risk of conflict of interest. It is unfortunate that the practice of Members' of Parliament receiving a public salary itself attracts a unique form of conflict of interest, in that Members' personal economic interest in determining their own salaries creates an unavoidable conflict of interest to which the House and the public are highly sensitive.

Following the Boyle Report in 1971, and subsequent Reports of the Committee on Top Salaries, Members' salaries and allowances have improved.⁵ In June 1979 MPs' pay was increased to £9,450 with further increases to £10,725 in 1980 and £13,950 in 1981. Members in the sample survey were asked whether they agreed their salaries and allowances should be calculated

on a full-time basis (Appendix 2, Q. 21). Although 77% of the sample agreed they should, well over half of these Members (61%) added the proviso that MPs should nevertheless be able to retain and seek outside financial interests. Less than one-third of the sample, all Labour Members who had voted for the Register, insisted that MPs should be regarded as full-time with no outside financial interests and correspondingly paid an 'adequate' salary. Inevitably the sample indicated disagreement among Members as to what would constitute an 'adequate' salary. Giving their views on the then current salary level (£9,450) only 33% of the sample said it was adequate, 60% said it was inadequate but improving, while 7% condemned it as inadequate and unlikely ever to become adequate. When asked directly whether it would be feasible and desirable to raise MPs' salaries and ban outside employment, only 13% of the sample thought it would be both feasible and desirable (a further 10% thought it would be desirable but not feasible). The overwhelming impression gained from response to this question was that the majority of the House of Commons would find such a move distinctly undesirable. The most common objections raised by Members were that it would erode the independence of MPs and would deprive the House of valuable experience and expertise.

There appears to be a fundamental difference of opinion between those Members who interpret full-time membership as meaning absolutely no outside interests and those who believe that they can be full-time in terms of hours and still pursue outside interests (Appendix 2, Q.21, Q.25 and Q. 26a). An MP can consider himself full-time in terms of the hours he puts in,⁶ but he may still have the energy and capacity to pursue outside interests which he counts as 'overtime'. The extent to which MPs are regarded as, and consider themselves to be, full-time or part-time is part of the wider unresolved issue of whether being a Member of Parliament in Britain is now an amateur or professional occupation.⁷ This has implications for MPs' attitudes not only towards outside financial interests, but also the level of parliamentary remuneration and reforms in the hours and procedures of the House. The dilemma and ambiguity surrounding full-time versus part-time membership is therefore central to the operation of the House, and is likely to grow as more Members desire, or are forced by the pressure of parliamentary work to take a fuller part in the work of the House. The frustrations this creates for Members was summed up by a Conservative MP included in Anthony King's study of

British Members of Parliament who complained:-

'The final thing I find maddening about the present system is the conflict that we've not yet resolved as to whether being a Member of Parliament in Britain is an amateur or a professional occupation. I can see it being played both ways, and I would be quite happy to do it either way; but at the moment it seems to me we're screwed between the two. In effect, the work is there for being a full-time Member provided he has the right facilities and is aided to do it. It's ridiculous doing filing and all that sort of nonsense when one could be spending one's time much better being really well informed on one or two subjects and exerting an influence. On the other hand, there is still the strong feeling that this is a game for gentlemen who have other things to do, and that what you should really do is earn your money and pay your way, and then drift over to the House and, you know, deliver your opinions and so on. There's a great conflict here that we haven't sorted out, and I find it very frustrating.'⁸

Similar frustration lay behind the comment by one Conservative MP in the sample survey for this study who pointed out that 'the structural fabric of the House is amateur but the actuality means you are increasingly having to try to do a professional job in these amateur surroundings'. A greater understanding of what an MP's job ought to be is required, and this in turn invites further research.

Implementation and operation of the Register

The debate in June 1975 on implementing the 1974 Resolutions lasted just a little over 3 hours as compared with the 7 hours which were taken up with debating the subject in May 1974. Whereas the 1974 debate had involved an extremely high number of Members taking part in the free vote - over 80% of Members eligible to vote had taken part in both divisions - as established in Chapter 6, this debate attracted far fewer participants.

Any comparison between the debates is made difficult by the covert management of the timetable through the usual channels. However, the apparent lack of interest exhibited in 1975 as compared to the previous year is again consistent with the pattern of an 'issue-attention cycle'. The well-attended 1974 debate on Members' interests, which resulted in the House agreeing to changes in the disclosure of interests, occurred at the peak of an attention cycle concerning Members' financial interests. The Select Committee which was set up following this debate expected there to be considerable public interest in their report. However, as the Clerk to the Committee confirmed, the 'public' and parliamentary anxiety which had existed then, engendered largely by the Poulson revelations, and maintained by the series of prosecutions for corruption resulting from this

affair, had largely subsided by the time the Select Committee Report was eventually debated in June 1975. Also, Members were no longer having to consider their image in the context of a pending general election as they had been in May 1974. Thus, as borne out by the comments of several key informants, including Mr Michael Foot, MPs were less pressured to take an interest in, or be seen to take an interest in, the reform of internal procedures relating to Members' financial interests.

Additionally, it was suggested by the Clerk to the Committee that the poor attendance may have reflected the fact that this debate was simply concerned with implementing principles already agreed to by the House, whereas the debate in 1974 had involved the House in taking a controversial decision on whether or not to adopt and formalise the principles of registration and declaration of Members' financial interests. It was suggested by several Labour Party Members that this was a major reason for the low turn out of Labour Members in the 1975 debate as compared with 1974 when this majority of Labour Members had felt compelled to attend in order to ensure that the Resolutions were not thrown out by the Conservative Party.

As to the scope and format of the Register as agreed to by the House in 1975 and subsequently monitored by the Select Committee on Members' interests, a myriad of problems and ambiguities have been considered in foregoing chapters. These stem mainly from differences of perception or judgment on the part of Members both as to what should or should not constitute a registrable interest, and who, in addition to MPs, should be required to register. It was because the Leader of the House had acknowledged there was 'room for genuine and deeply felt differences of opinion on both sides of the House' on these matters that he had referred them in 1974 to a Select Committee for consideration.⁹ The fact that MPs have different views on what constitutes an interest not only calls into question the value of the Register as a record of Members' interests, but also exists as a difficulty which could undermine the rule requiring Members to declare an interest when a relevant subject is being discussed.

In considering this problem of what constitutes an 'interest' or 'interests' in politics we would do well to bear in mind E.E. Schattschneider's observation that:-

'All discussions of interests, special as well as general, refer to motives, desires and intentions of people. In this sense the whole discussion of interests is subjective. We have made progress

in the study of politics because people have observed some kind of relation between the political behaviour of people and certain wholly impersonal data concerning their ownership of property, income, economic status, professions and the like. All that we know about interests, private as well as public, is based on inferences of this sort. Whether the distinction in any given case is valid depends on the evidence and on kinds of inferences drawn from the evidence'.¹⁰

Insight into the variety of inferences that can be drawn, and one which helps to explain divided opinion both on the propriety or otherwise of Members' possessing outside financial interests and on the above issue of what does or does not constitute a registrable interest, is provided by Steven Lukes who concludes that:-

'In general, talk of interests provides licence for the making of normative judgments of a moral and political character. So it is not surprising that different conceptions of what interests are are associated with different moral and political positions'.¹¹

To these problems concerning the scope and format of the Register should be added one unintentional by-product of the Register which the former Registrar of Members' Interests, Mr Pring, suggested should be set against, but does not outweigh its contribution to increasing public knowledge of MPs' interests. This is the tendency, often unintentional, for MPs to feel that because they have registered their interests there is no need to declare them in debate. There is a danger that the Register becomes a replacement for, rather than as intended, a supplement to, the rule of declaration of interests. Also, it can be argued that, paradoxically, by increasing public knowledge of MPs' interests the Register may also add to the risk of conflict or apparent conflict of interest arising. By providing a detailed catalogue of individual Member's interests, it actually helps public relations firms, companies etc. to identify which MPs might be useful to them.

To gain a full picture of the working of the 1974/1975 Resolutions, particularly the status of the Register, it has to be asked why, as shown in Chapter 6, the House was not given the opportunity to express a view on the force of its Resolutions after one Member had refused to register. Also, whether the Select Committee made the correct judgment in deciding not to prevent further editions of the Register being published until such time.

When asked why the 1976 Report from the Select Committee on Members' Interests had not been debated, Michael Foot, the then Leader of the House, pointed out that whereas at the beginning of a new Parliament in 1974

there had been a temporary legislative void which could be filled by the introduction of the Register, by 1976 the political climate had changed. The parliamentary session was busy and could not accommodate the new issues relating to the Register. He referred to two particular time pressures on the parliamentary timetable during this period. First, the pressure of public policy deriving from the Government's economic and social measures and magnified by the controversy deriving from the devolution issue. Second, the pressure of 'Members' of Parliament matters', i.e. pay, pensions etc., which were jostling for attention and which had to be debated, in the main, late at night. To have resolved the matter of Enoch Powell's refusal to register would, in Mr Foot's view, have taken up much of this valuable time. Unlike Mr Skinner (Lab) who thought that the matter could be disposed of in a few hours, Mr Foot disagreed. As a strong upholder of parliamentary procedures and traditions, he did not think it right that the House should take lightly a matter involving the possible censure of a Member.¹² Other interviewees placed different interpretations on Mr Foot's apparent unwillingness to debate the matter, noting that during this period Mr Powell's vote, and the support he had among the U.U.U.C. Members, was crucial for the Labour Government.

Mr Powell himself dismissed the accusation that there had been an arrangement between the Labour Government and the Unionist MPs. He suggested an altogether different reason why the issue of non-compliance, raised by his own refusal, had not been resolved. Begging the fundamental problem discussed earlier of what constitutes an 'interest' in politics he argued that he had an 'unfair advantage' in that the House knew that he had no interests influencing his parliamentary behaviour. He considered his success, which he construed as the achievement of destroying the 1974 resolution concerning registration by his single act of defiance, would not have been possible without this extraneous advantage. It contributed to the impracticability of the House enforcing its resolutions because they would have had to censure a Member whom everyone knows has 'no interests' and would not be influenced by them even if he had, and who is a zealous upholder of the sovereignty, rules and procedures of the House. Thus, he concluded that extraneous factors, in his case his 'unfair advantage', are often as important or more important than the validity of the case.

On the practicability of the House upholding its resolutions by passing a standing order as recommended by the 1976 Select Committee on Members'

Interests, one House of Commons' Clerk remarked that this course was unlikely to be favoured by the House. Part of its general philosophy is to have as few standing orders as possible; a plethora would be confusing. This view was supported by data collected during the survey, with only one-third of the sample advocating that the Register should be enforced by a standing order (Appendix 2, Q. 15). Almost two-thirds of the sample were opposed to any action being taken against MPs refusing to register, regardless of whether the requirement to register was imposed by resolution of the House, by standing order, or was statutory (Q. 16). On the question of whether the Register should be statutorily imposed, only one-third of the sample, all of whom had voted in favour of the Register at its inception, felt that it should.

As regards the decision of the Select Committee to prevent further editions of the Register being published until the House had had the opportunity to decide on the matter, in retrospect their action may be judged as a mistake on the grounds argued in the House by Mr R. Cryer (Lab). He believed that the Committee should have maintained publication whatever arguments it might have had with individual Members, the main object of the exercise being to publish the Register to ensure that 'Parliament could be seen to be laying everything out openly if members of the public chose to examine the financial involvements of Members.¹³ Whether the Select Committee were justified in their action or not, as became apparent in Chapter 6, their decision effectively curtailed any improvements or changes in the Register which had been envisaged by their Chairman as the logical next step after their initial recommendations.

The Register: Innovation or extension of tradition?

How far did the acceptance of the 1974/1975 Resolutions concerning declaration and registration of Members' interests indicate a genuine change in the House's appraisal of and approach towards the problem of conflict of interest among its membership?

Looking purely at changes in principle, several alterations occurred. Firstly, as already established, the Resolution in May 1974 concerning declaration of interests implemented a procedural change in that it converted what had previously been a convention into a rule of the House, and one which covered past and future interests as well as those of the present. In so doing, it in theory removed the prerogative of the

individual Member to be able to be the sole judge of the relevancy of interests to be declared, and entrusted this to the wisdom of the House as a whole.

Secondly, while neither resolution indicated a move on the part of the House away from the 'principle of disclosure' towards the 'principle of avoidance' in the regulation of Members' interests, the acceptance of a Register of interests indicated a change in the nature of the House's application of the principle of disclosure. As shown, the House has traditionally been protective of the individual Member's privacy, and has required disclosure of interests only at the point in time of speaking or voting on a matter upon which his action may be influenced by his personal interest. While the Register was conceived of as supplementary to, and not in place of this form of disclosure, which continued to be embodied in the rule of declaration of interests, it did introduce a different approach to disclosure. This approach, which had previously been rejected by the 1969 Select Committee on Members' Interests (Declaration), holds that disclosure should be general, comprehensive and public and concedes the right of the public, in addition to other Members, to general surveillance of a Member's private interests. As explained in Chapter 5, it involves trading off some of a Member's right to privacy in favour of greater publicity. Thus, while the Register did not signify an exchange of the principle of disclosure for avoidance, it is reasonable to argue that it signalled a commitment by the House to a different and additional application of the principle of disclosure

Whether by adopting this application of disclosure of interests the House was primarily concerned with avoiding actual conflicts as it has been suggested it was when requiring disclosure of interests prior to the Register, or whether it was now more anxious to avoid the appearance of conflict of interest is obscured by the extraordinary amount of rhetoric characterising the speeches on the subject. It is doubtful whether the primary reason for establishing the Register was the democratically inspired one of providing the public with information on Members' interests. Information from the sample survey (Appendix 2, Q. 1 and Q. 8) and statements by successive Leaders of the House during that time (Mr Prior and Mr Short) indicate that the Register was conceived more in terms of protecting Members from gossip and innuendo and in restoring the good name of the House than as a means of avoiding actual conflicts of interest or as a punitive measure imposed on Members collectively. Along with

persistent reference to improving the image of Parliament this suggests that the Register was viewed largely as a public relations exercise on the part of the House.

In addition to these changes in principle or procedure, there is also the idiosyncratic view put forward by Enoch Powell. This, as explained in Chapter 6, argues a constitutional point rather than dealing solely with the Register. Mr Powell believes that the resolution concerning registration did indeed introduce a change, but one which he considers to be unconstitutional. The validity of his argument must remain a matter of opinion, and it is unclear how many MPs, if any, share his view. Given that a British court cannot review or pass judgment on this opinion, it is interesting to note that there is currently an American case which involves a similar charge of unconstitutional action by way of Resolution. In 1977 both Chambers of Congress added new ethics codes to their own internal rules. A major issue in the Senate as in the House was the provision limiting a Senator's outside income earnings to 15% of his official salary. Little more than two months after the Senate adopted it, the ethics code faced a court challenge. Five Senators announced on July 14 that they were asking the U.S. District Court in the District of Columbia to rule that the code violated the Constitution by adding additional qualifications necessary for holding office. The suit was filed by Senator Paul Laxalt (R. Nevada) against the Secretary of the Senate, J.S. Kimmitt. Since limitation of outside earned income for the U.S. Senators (not Representatives) was deferred until January 1, 1983, the U.S. Court of Appeals for the District of Columbia determined that the case would be heard on or about December 1, 1982.¹⁴

Despite these alterations in principle or procedure which can be identified, this study has established that in practice very little has changed in the House's appraisal of and approach towards the regulation of Members' interests. The 1974 Resolutions do not extend to personal interests other than pecuniary ones, and the presumption of the propriety of possessing outside financial interests is still predominant in the House. As manifested in the House's unswerving pursuit of the 'principle of disclosure' as opposed to the 'principle of avoidance', its recognition of the issue is not whether Members should or should not possess outside interests, but whether, and if so how, these interests should be disclosed.

While the 1974 Resolution concerning declaration of interests converted a convention of the House into a rule and extended it to past and future interests as well as current interests, the Government changed its mind about extending the rule to Question Time. Arriving at the conclusion that this would involve practices which would be cumbersome and essentially time wasting, in their second Motion on Members' Interests (Declaration) agreed to by the House on 12 June 1975 they specifically laid down that for the purposes of the 1974 Resolution the term 'proceeding' should not include the giving of any written notice, or the asking of a supplementary question. Thus, what some, mainly Labour, backbenchers regard as a most crucial area where financial interests can be abused remains, as before the 1974 Resolutions, outside the declaration requirements.

The House adopted compulsory registration instead of the form of voluntary registration favoured by the Conservative Party. However, contrary to the fears expressed by its opponents, the Register does not undermine the honour and self-restraint of the individual Member by removing his prerogative to be the sole judge of the relevancy of interests to be disclosed, nor does it necessarily signal the demise of mutual trust in the House. As recognised by the 1974 Select Committee on Members' Interests, 'in the end, responsibility must rest on the Member himself to disclose those interests that might affect his parliamentary actions,¹⁵ and the House would trust them in this respect. That a belief in mutual trust as one of the foundations of political life is still widely believed in the House was confirmed by the sample survey (Appendix 2, Q. 32). Approximately 54% of the sampled Members considered that mutual trust, described as part of a common-ethos which 'grows into MPs' and which stretches across party lines, is an indispensable element of political life. A further 40% of the sample agreed it is an important element but, providing a warning against relying solely on mutual trust to regulate Members' interests and conduct, argued that its extent and/or effectiveness is exaggerated. This view was perhaps best summed up by the Conservative MP who warned that:-

'Although there is a common ethos, in practice there is the danger of "false camaraderie" ... politicians would be foolish if they were too trusting'.

That the individual Member is still the judge of the relevancy of interests which might affect his parliamentary action, and the fact that the Register cannot provide a guarantee against evasion, are crucial

factors in an assessment of the extent to which the rule of declaration and the establishment of compulsory registration in practice signify the erosion of a Member's privacy and indicate a move towards greater publicity. Combined with the shortcomings in the format of the Register, and the danger that registration becomes a replacement for rather than supplementary to the rule of disclosure, these facts point to the conclusion that both the contribution to increasing public knowledge of MPs financial interests, and the concomitant erosion of a Member's privacy under the requirements of the Register, are less than the theory of registration would suggest. The difference is that Members wishing to safeguard their 'privacy' now have positively to be untruthful by making a 'nil' return in the Register instead of passively neglecting ('forgetting') to make an affirmation in debate.

Most significant is the observation made by Mr Willey in the 1975 debate on implementing the Register that it constitutes a 'Parliamentary solution' to the problem and as such retains the tradition of exclusive self-discipline by the House in the regulation of Members' interests. Investigation of the problem has been treated solely as a domestic matter and has been undertaken accordingly by select committees of the House, not outside bodies. Although the Royal Commission on Standards of Conduct in Public Life commented briefly on Parliament, it expressly stated that it was not part of its task to make an examination of the ways in which Parliament governs its own procedures. The Register was set up by a Resolution of the House, is monitored by a select committee of the House, and any refusal to comply with its procedures automatically becomes a matter for the House to resolve without interference from any other body except, indirectly, from the media (whose efforts might in fact have a negative effect in promoting a closing of ranks). In its treatment of this issue the House has once more exhibited the insularity which regularly infects its consideration of any aspects of its procedure. This insularity is partly a product of the mutual trust and internal solidarity of the House. Without attributing the same ideological position and assumptions to all Members of Parliament, it is accompanied by a tendency towards insensitivity on the part of parliamentarians to outside sentiments regarding its workings; in this case towards the potential problem of conflict of interest among their membership and demands for safeguards in this area.

When asked whether they viewed Members' interests as a domestic issue for the House to settle, Members interviewed for the sample survey affirmed this attitude. Approximately 43% of the sample considered the subject to be entirely a domestic matter to be discussed and settled internally by the House, and the other 57% of the sample, although conceding the scope for wider discussion, believed the subject must ultimately be settled by the House (Appendix 2, Q. 31). Thus they endorsed the image and reality of the House as master of its own procedures.

Problems of self-discipline

What problems arise out of the exclusive exercise of self-discipline? A controversial issue is the propriety of the House acting as sole adjudicator upon the conduct of its Members in their parliamentary capacity, particularly, as far as this study is concerned, in conflict of interest matters. An extension of this question is the problem that at times, as in the Select Committee investigation of the conduct of Members in 1976/77,¹⁶ the House is confronted with the difficult task of disciplining its own Members, with all the problems and personal loyalties which this involves and, as Chapter 3 of this study has shown, has involved in the past. The Clerk to the Select Committee on Conduct of Members stated that 'the privilege of immunity from outside investigation of proceedings in Parliament carries with it the corollary that the House should always, if the occasion arises, be prepared to do this job for itself.'¹⁷ However, the House is reluctant to discipline its own Members and, as we have seen, acts chiefly when issues are forced upon it by publicity or other outside pressures. Unfortunately, therefore, the current position of parliamentary self-discipline, buttressed by tradition though it is, has allowed the House to be open to charges of partisan political motives or of acting defensively with esprit de corps in the manner of a gentlemen's club when charges are brought against any of the body.

As explained in Chapter 3, the claim to be sole judge over both its Members and proceedings in part derives from the origins of Parliament as the High Court of Parliament, the highest court in the land, and the belief that it would therefore be contrary to every principle for its proceedings to be regulated or challenged in any other court. However, this view has been challenged by critics who consider the arrangement, whereby Parliament is both prosecutor and judge in its own cause, offends against the principles of natural justice, and who find the rights of

the Commons too indefinite and uncertain. This argument, with which this writer concurs, was cogently put to the Select Committee on Parliamentary Privilege set up in 1967, amid increasing concern at the sensitivity of Members of Parliament to outside criticism, to conduct a general review of the law of parliamentary privilege. In their memorandum of evidence to the Committee, the Study of Parliament Group criticised the indefiniteness of the House's scope of privileges and contempt powers, arguing that:-

'The result of this undefined reach of the House's powers whether by way of contempt or applications of privilege is to maintain uncertainty about a large number of activities occurring outside the House which affect Members in their roles as public representatives. The development of different modes of opinion formation, interest group activity and political organisation inside and outside Parliament has obviously altered in a radical way the pressures which operate upon Members and the environment in which they carry out their duties. Yet Privilege rests in part on eighteenth-century assumptions.'¹⁸

Although not claiming originality for the suggestion, they also recommended a possible transfer of the House's jurisdiction to punish for contempts or breach of privilege. In their view:-

'The House of Commons ... whatever its formal status, is not in substance a judicial body. An assembly of six hundred and thirty Members cannot be, and is the wrong sort of body to carry out an essentially adjudicative process, namely the resolution of an individual case arising under the law and custom of Parliament.'¹⁹

Just as the House had been persuaded of the wisdom of committing to courts the adjudication of disputed elections (by the Parliamentary Elections Act, 1868) so, they suggested, consideration should now be given to a similar transfer to the courts of jurisdiction over cases of contempt or breach of privilege:-

'We think that there are good reasons both for clarifying the scope of privilege and contempt powers in principle and also for providing a judicial forum where justice is seen to be done in individual cases. It is reasonable that citizens and political interests of all kinds should know what they may and may not do and the situation of uncertainty which indefinite powers engender seems unhealthy whatever its historical justification.'²⁰

This is a controversial view and one which has been, and is likely to be, opposed not just on historical grounds but also because of the practical problems involved in its implementation. Mr L.A. Abraham, former Principal Clerk of Committees (House of Commons) expressed this belief to the aforementioned Committee, who themselves found against transferring the penal jurisdiction of the House to some other tribunal:-

'If ... the jurisdiction over contempts of the House of Commons were transferred from the House to the courts, it would be necessary to enumerate the acts and omissions which were to constitute criminal offences in the statute by which the jurisdiction was so transferred - a task to the difficulty of which anyone who has helped to draft or advise upon Power-and-Privileges-of-Parliament Acts for the new Commonwealth countries can bear witness'.²¹

Recalling the House's preference for indefiniteness, flexibility and discretion in its rules and procedures, it is interesting to note that similar arguments were raised against establishing a Register of Members' interests by statute; a move which would have involved the task, which some MPs thought intractable, of defining comprehensively and fairly in law what interests were to be registered by Members.

Bearing in mind we should not confuse conflict of interest with corruption,²² a dimension of the issue of whether the House should abandon its jurisdiction to punish for contempts or breach of privilege which nevertheless has particular relevance for this study is whether Members of Parliament can, and should, be brought within the ambit of the criminal law of corruption²³ for activities in their parliamentary capacity. The common belief that only the House of Commons and not the criminal courts can deal with a corrupt Member acting in his parliamentary capacity was dogmatically upheld by the Royal Commission on Standards of Conduct in Public Life which 'note(d) the fact that neither the statutory nor the common law applies to the bribery or attempted bribery of a Member of Parliament in respect of his Parliamentary activities'. Explaining why this is so they continued:-

'It is clear to us that a Member of Parliament cannot, in that capacity, be deemed an 'agent' for the purpose of the Prevention of Corruption Act 1906. It is equally clear that Parliament could not be deemed to be a 'public body' for the purposes of the Public Bodies Corrupt Practices Act of 1889. Nor does membership of Parliament, as such, constitute public office for the purposes of the common law'.²⁴

This view was also confirmed by the former Prime Minister, the Rt. hon. James Callaghan, when asked in October 1976, in the wake of the Poulson affair, to clarify the position in law of MPs in relation to allegations of corruption.²⁵ Thus the image is unintentionally created of Members of Parliament being above the law (though subject to the law of Parliament) and the danger arises of the media and the public thinking that double standards are being applied by the House.

While in no way questioning the right of the House to govern its own procedures, the Royal Commission nevertheless felt that the sanctions

against bribery introduced by the criminal law in other fields had outstripped the sanctions now available to Parliament. As explained in Chapter 3, the power of commitment, which Erskine May describes as the 'keystone of parliamentary privilege', has not been exercised by the Commons since 1880, and the right to impose fines has not been exercised since 1666. This leaves the House with the penalties of reprimand or admonition administered by the Speaker, and expulsion or suspension from the services of the House; the latter two options, as argued by Michael Foot and Sir Derek Walker-Smith in the debate on the conduct of Members,²⁶ imposing a penalty not only on the Member but also on his constituents. Believing these penalties the House may impose to be inappropriate to present circumstances, the Select Committee of Privileges in 1967 and again in 1977 recommended that legislation should be introduced to revive the power of the House to impose fines.²⁷ Along with most of the other recommendations contained in the 1967 Privileges Report this suggestion has not been implemented. In the context of seeking a suitable sanction for Members who refused to register their interests, the revival of fines was commended to this writer by Mr Lankester, Registrar of Members' Interests, who, when interviewed, said that he considered a fine was a more suitable punishment by the House than either suspension or expulsion. Although we might then find situations in which fines were paid by the outside interest which was the subject of the offence, this would probably be treated as a contempt.

Focussing solely on the adequacy of sanctions for punishing bribery and corruption, the Royal Commission recommended that 'Parliament should consider bringing corruption, bribery and attempted bribery of a Member of Parliament acting in his parliamentary capacity within the ambit of the criminal law.'²⁸ The decision on whether to implement or even discuss this recommendation inevitably remains with Parliament. As yet, the House of Commons has not discussed the Report, although it was debated in the House of Lord on 8 December 1976.

However, taking the criminal law on corruption as it stands, it is possible to argue along lines pursued by Dr. Geoffrey Marshall in November 1976²⁹ that there is in fact no 'bizarre loophole' which allows MPs to escape prosecution when they are acting in their parliamentary capacity. Graham Zellick develops this view and, arguing against the Royal Commission's conclusions, constructs a case for asserting that the criminal law can

indeed operate in this area.³⁰ The nub of his argument is as follows. First, he considers it is not at all clear that the House of Commons could not be deemed to be a 'public body' for the purposes of the Public Bodies Corrupt Practices Act 1889. Then, turning to common law which punishes bribery and breach of trust by public officers, he asks whether membership of Parliament can constitute 'public office' for the purposes of this. No prosecutions have been brought in England because the House has treated corruption of Members as a contempt of the House. However, he is able to point to judgments in the High Court and state courts in Australia, where it has been held that membership of Parliament is a public office for the purpose of criminal law,³¹ and accordingly payments to an MP in connection with his parliamentary work could amount to common law misdemeanours. In some of these judgments a broader basis of liability has been favoured stretching to all persons whatever holding offices of 'public trust and confidence'. For example, in R v Boston, Higgins J. took the view that:-

'... it seems to me immaterial whether the member is to be treated as a public officer or not. He is a member of Parliament, holding a fiduciary relation towards the public, and that is enough'.³²

Thus, on one ground or another, Zellick considers Members of Parliament would seem to be caught by the common law. Summing up his argument he concludes:-

'It must be recorded that there is a distinct possibility that the acceptance of payments by Members of Parliament in certain circumstances, hitherto thought to lie within the exclusive cognisance of Parliament, may constitute criminal offences, which the House could instruct the Attorney-General to prosecute, Article 9 of the Bill of Rights notwithstanding'.³³

Zellick has plainly shown that the existing law is not so clear-cut as the Royal Commission believed. In so doing he has provided ammunition for the argument advanced by this study, that the traditional view that only the House can deal with corruption of and by its Members should be reviewed and subjected to wide discussion. This would be beneficial to Members who, if the picture gained from the sample survey is correct, tend to be confused or uninformed themselves both as to the distinction between conflict of interest and corruption, and as to their position in law in relation to allegations of corruption.

A further problem deriving from the House of Commons's practice of self-discipline in the regulation of Member's interests is that it has prompted the question as to whether it has been as thorough and effective

in keeping its own House in order as it has been in making the standards for anyone else to keep.

In contrast to the detailed code drawn up for ministers,³⁴ or the strict rules applicable to civil servants,³⁵ local government councillors and local government officers,³⁶ and even private business under the Companies Acts, it has emerged that Parliament has provided no coherent code to guide Members' conduct in the area of pecuniary interests. Speaking in the House of Commons debate on the Report of the Select Committee on Conduct of Members, Mr Albert Roberts, one of the MPs whose business activities had been examined by this Committee, was unlikely to have been alone when he expressed confusion over the standards expected of Members of Parliament:-

'What standards do I take? One can read the biography of Beaverbrook by Taylor. Do I take my standards from there? From where do I take my standards? I have had no book on the do's and don'ts of Parliament'.³⁷

As shown in earlier chapters, successive Governments have stressed the functional differences between the House and other institutions engaged in public service in accounting for different degrees of stringency in the regulation of pecuniary interests. The main defence has been that you cannot apply the same arguments to Members of Parliament as you can, for example, to local councillors or ministers, because MPs are not 'doing' anything in terms of executive action and therefore are less exposed to situations of potential conflict of interest with the attendant risk of corruption. Also, as pointed out by a Conservative MP in the sample survey, 'an MP, as contrasted to a minister, has virtually no patronage to give'. The comparison with ministers was cogently described by Richard Crossman in 1973:-

'Of the 625 Members of the House of Commons it is only the ministers who take part in decisions and carry departmental responsibilities which render them open to corruption. As ministers they are required to obey an elaborate written code of behaviour. Up to now the backbench MP has been exempt largely because he runs nothing, decides nothing, and usually knows nothing worth paying for'.³⁸

However, as established in Chapter 8, backbenchers may not have much power to influence decision-making, but potential opportunities for advancing outside interests do exist. We must also remember that recent anxiety over Members' interests has highlighted the problem not just of actual conflict of interest, but also the appearance of conflict which might be created by the mere existence of these opportunities, even though they may not necessarily be exploited.

A separate argument in support of different sets of rules regulating pecuniary interests for different sectors of the public service was advocated in 1973 by the Canadian Parliament's Green Paper on Members of Parliament and conflict of interests. Having explained the difference between the 'principle of disclosure' and the 'principle of avoidance' with regards to pecuniary interest, they decided not to make a strict choice between these two schools of thought, on the grounds that 'neither position is totally and absolutely indefensible and that the nature of public trust ought to be a major factor in determining the application of any one of these philosophies'.³⁹ From this position they concluded that rules on conflict of interest which apply to cabinet ministers need not necessarily be imposed on other public officials. It would seem that a high level of public trust in the past has been vested in Members of Parliament and can be traced back in representation theory to the nineteenth century conception of the MP as a trustee. Generally speaking, Members of Parliament have simply been trusted to comply with the moral dictum of placing the public interest before their own advantage. The 'public' and parliamentary anxiety which culminated in the establishment of the Register of Interests may indicate declining confidence in this arrangement. As Douglas Houghton (now Lord Houghton) argued, the issue at stake is not simply the narrow one of Members' financial interests. The larger issue of the credibility of politicians, political parties and their leaders is being questioned.⁴⁰

Review of theoretical propositions

As emphasised in Chapter 1, the exploratory nature of this research precluded the testing of precise hypotheses. However, on the basis that a serious attempt to analyse without some presuppositions would have resulted in a chaos of 'existential judgments' about countless individual events,⁴¹ several theoretical propositions underlying the study were advanced. It is to these that we now return.

Confidence in the heuristic value of the two working hypotheses set out in detail in Chapter 1 has been increased. Firstly, the findings presented in Section 2 support the very general proposition that the approach of parliamentarians towards the problem of conflict of interest is likely to derive as much from historical residues of 'elite political culture' as from functional considerations and contemporary pressures such as cases of alleged misconduct. It has become apparent that with a strong base

in custom and tradition of the House (embodied to some extent in parliamentary privilege) the values of honour, self-restraint, loyalty and mutual-trust have encouraged constitutional reliance on ethical restraints and integrity, on human character, discretion and internalised psychological checks in the regulation of Members' interests, rather than on codes of conduct or written law. Further, it has been seen that the 'amateur ideal', though no longer uncontested, still provides for many present day parliamentarians a subliminal standard for their actions and prescribes their proper role. This tradition links closely with the notion of part-time membership of Parliament and stands opposed to a trend towards 'professionalisation' in politics.⁴² The extent to which Members consider themselves to be full-time or part-time has been seen to have implications for their attitudes towards both level of remuneration and outside interests. In addition to these residues of the 'gentleman ethic' the claim to privacy, which also has a source in the aristocratic tradition in government,⁴³ has emerged as a fundamental value shaping Members' action and behaviour towards the disclosure or otherwise of outside financial interests.

Secondly, both the history of the regulation of Members' interests and the modern campaign for a register, reveal an ad hoc response on the part of the House to the problem of conflict of interest which can usefully be understood in terms of a series of 'issue-attention cycles', with the House reluctant to take the initiative, in the absence of strong outside stimuli, to regulate Members' interests.

It has also become apparent that these two propositions are indeed entangled. The operation and eventual outcome of each 'issue-attention cycle' with its emphasis on contemporary exposed wrongdoings, 'public' and parliamentary anxiety, governmental tactics and so on cannot be considered in isolation from the predispositions and assumptions which underlie Members' appraisal of, and approach towards, the problem of conflict of interest. Thus, while such predispositions and assumptions underlie Members' approaches to environmental situations, and account for the genuine differences of opinion among Members as to what action, if any, on the part of the House is appropriate at each stage of the cycle, such environmental situations themselves give rise to changes in the beliefs, values and habits of thought which guide and inform Members' action and behaviour.

Also, the mood of self-criticism of the House of Commons, and the latter's general receptivity to reform tends to ebb and flow. Whether the mood in the House for reform happens to be strong or weak when a

scandal concerning Members' interests breaks may influence the outcome of the cycle. The modern campaign for a register, gathering momentum in the 1960s and early 1970s, in fact, occurred during a time when, as several commentators on Parliament have noted, 'procedural reform was a lively issue of debate'.⁴⁴ For example, under Richard Crossman's Leadership of the House there had been a package of procedural reforms including experiments with the new specialist select committees and mornings sittings, and the Parliamentary Commissioner for Administration had been established. Amid increasing concern at the insensitivity of Members to outside criticism the Select Committee of Privileges had been set up to review the workings of parliamentary privilege and reported in 1967 (H.C. 34), its recommendations being taken up by the Committee of Privileges in 1976-77 (H.C. 417). In 1971 the Expenditure Committee had replaced the Estimates Committee, and in 1975 the House had authorised an experiment in public sound broadcasting of Parliament. However, receptivity of the House to reform at this or any other time should not be exaggerated.

In presuming the role played by historical residues of 'elite political culture' in shaping Members' approach to the problem of conflict of interest, the writer questioned Harold Laski's argument that the 'gentleman ideal' has become redundant as a working hypothesis in political research. The findings of this study support the view that the 'gentleman ideal' can still be a useful heuristic tool in research on the House of Commons. The major intra- and inter-party differences towards the problem of conflict of interest have been seen to stem largely from different underlying predispositions on the part of Members towards certain fundamental values or beliefs entrenched in 'elite political culture' which, with the exception of privacy, were identified in Chapter 1 as having a common source in a phenomenon in English culture often referred to as the 'gentleman ethic'. While indicating some shifts in intra- and inter-party opinion towards the problem of conflict of interest, the findings of this study suggest that even if MPs are now paid and increasingly becoming more full-time because of the pressures of parliamentary work, residues of the gentleman ethic do still provide a 'pattern and example' for many MPs in their approach towards the regulation of Members' interests, even though they are unlikely to perceive or describe their behaviour in these terms.

As observed above, even though the House eventually introduced a compulsory register of interests this is still a 'parliamentary solution' to the problem of conflict of interest. In practice it does not undermine

the honour and discretion of the individual Member, nor does it necessarily signal the decline of mutual trust in the House. Furthermore, concerning as it does the disclosure rather than prohibition of interests, it does not appear to indicate a move away from the presumption exhibited by successive Governments, and seen to be held by a majority of MPs, of the propriety of Members pursuing outside financial interests in addition to their parliamentary duties. Members' insistence on traditional practices and self-discipline in the regulation of outside interests, and the insularity and insensitivity to outside sentiments which many display in dealing with the problem of conflict of interest among their membership, keeps alive the analogy drawn with the workings of a Victorian gentleman's club.

However, in challenging Laski's argument it must be remembered that this study has been concerned with what has been considered by successive parliaments and Governments to be a 'House' issue rather than a 'Party' issue, and one which concerns the internal conduct and discipline of Members rather than the formulation of public policy. As observed in Chapter 1, on such matters parliaments and Governments tend to be peculiarly introverted, with debate becoming submerged in issues of political ethics and parliamentary manners. It is likely therefore that while the 'gentleman ideal' may be useful as a heuristic tool in this and other domestic contexts, it is less illuminative of the House's performance in the wider arena of public policy-making. Indeed, an introverted pre-occupation with 'House' matters may be regarded as an anodyne to sooth painful awareness of lack of influence in matters of public policy.

Alternative methods of regulating Members' interests

In Chapter 1 the conscious affinity in the approach of this inquiry to Max Weber's prescription for the tasks of empirical science was acknowledged. This meant that from the outset its task was not to provide binding norms and ideals from which directives for immediate practical activity could be derived. Rather, in the course of pursuing the specific research objectives set out in the introduction it was concerned both with elucidating the values and beliefs underlying and shaping Parliament's approach to dealing with conflict of interest among its membership, and making more explicit the 'cost' of the various alternative methods of prevention and discipline available to Parliament in terms of the predictable loss of other values. The choice between alternative methods of regulating Members' interests is ultimately a political one.

While this inquiry has revealed the many and shifting attitudes towards the regulation of Members' interests, these fundamentally boil down to two points of view: on the one hand there is the argument for minimal rules and reliance on mutual trust and individual integrity; and on the other hand there is the view that codification of rules and perhaps even the introduction of legislation is necessary. Although these are not party issues as such, the former solution concerning minimal rules is largely, but not uniformly or exclusively, favoured by Members of the Conservative Party, whereas the latter argument for codification is mainly, but again not uniformly or exclusively, supported by Labour Members. Each solution carries with it a combination of 'costs' in terms of the potential loss of other values and these have been identified and discussed in preceding chapters. The two positions can be summarized in ideal type form as follows.

The minimal rules solution emphasises the spirit of disclosure and the preservation of tradition. Reliance is placed on the honour and integrity of the individual and the mutual trust of the collectivity. The privacy of the individual is revered and he or she is entrusted with the discretion to judge what interests should be disclosed. The 'costs' of this approach are in terms of lack of guidance, clarity and certainty. The differential perception of Members as to what should be disclosed or what is unacceptable conduct is a perennial problem, rules or no rules, but is more likely to flourish where guidance is lacking. The corollary of the preservation of privacy is the lack of publically available information of Members' pecuniary interests which provides a potential breeding ground for suspicion and allegations, often unfounded, of conflict of interest.

The solution which emphasises codification and possibly legislation aims to introduce greater clarity and certainty into the regulation of Members' interests. Public confidence is expected to be increased, depending on the effectiveness of the codification adopted, because Parliament is seen to be regulating Members' interests. Members themselves are provided with a guide as to what standard of conduct is required. However, this solution is likely to involve 'costs' in terms of some erosion of privacy, spirit of disclosure, flexibility and discretion and of values such as honour, mutual trust and so on. If regulation of Members' interests is imposed by statute then the courts become involved and there is a consequent erosion of parliamentary sovereignty. Codes of ethics and committees

charged with their enforcement are generally associated with the professions, and as Richard Crossman noted in 1972, 'politicians have never regarded Parliament as a profession with its own code of ethics'.⁴⁵

As stated, the choice between the alternatives and the form in which it is implemented is a political one. In pursuing the goal of preventing conflict of interest with the attendant risk of corruption from arising, the House has to balance this against other competing goals; for example, Members' morale. As argued to the extreme by Thurman Arnold:-

'Ethics in any group arise out of a sense of tradition and pride in his particular calling. Humiliate that group. Subject them to constant restriction and supervision. Refuse to trust them in any of their activities in or out of Government and you destroy any possibility of an effective ethical code.'⁴⁶

However, evidence of confusion among MPs themselves as to what standards are expected of them (*viz.* Albert Roberts cited above) would seem to this writer to warrant the House considering whether the time has come for it to relinquish some of the discretion and flexibility in the regulation of Members' interests in order to provide Members with more coherent guidance on the 'do's and don'ts of Parliament'. There exists a strong case for individual responsibility and integrity as both the primary and ultimate source of a public service ethic, but external controls in terms of rules and conventions have become a necessary and secondary support system.⁴⁷ In this respect, the 1974 Resolutions concerning declaration and registration of interests can be seen as a step along the path towards the 'codification' solution. Although the Register of Members' Interests may be judged a failure in terms of guaranteeing accurate and comprehensive information about Members' financial interests, at the very least its existence and the periodic debates and Questions associated with it, contribute towards providing MPs with some guidance as to what interests they should keep separate from their public duties and be prepared to disclose. It requires an MP to disclose all relevant interests or to take a conscious decision to conceal them, and if he takes that decision he will know that he is abusing his position.

Finally, a fundamental question which Weber's prescription for empirical science provokes is whether the setting of a given 'end' is itself particularly meaningful or meaningless with reference to existing conditions. Although the Executive lessens its grip on issues of internal parliamentary procedure or discipline, allowing parliamentary tradition and the backbencher

more scope for influence than it does in public affairs, it is certainly not the neutral 'servant of the House' that it claims to be. It has sometimes allowed the procedural aspects of the issue of Members' interests to be debated freely (albeit in the framework of a business timetable largely of its own devising) but has strictly dictated the terms of any discussion of more sensitive issues, such as Members' remuneration, facilities, open-government⁴⁸ etc. Issues such as these however, along with the debate over whether the House should transfer its penal jurisdiction to some other tribunal form an important part of the environment within which the narrower issue of Members' interests must be considered. We must ask, therefore, whether the problem of conflict of interest with the attendant risk of corruption can be avoided, or at least adequately controlled, in the House of Commons without making substantial alterations to the existing arrangements and procedures of the House, and bear in mind, as several commentators on Parliament have noted,⁴⁹ that these changes will not occur until there is a considerable shift in the traditional attitudes and prejudices of Members of Parliament themselves.

CHAPTER 8:

Conflict of Interest: Problems and Ambiguities

In Chapter 1, the term 'conflict of interest' was provisionally defined as 'a situation in which an official's conduct of his office conflicts with his private economic affairs' and was identified as a magnet for conceptual problems and ambiguities. In subsequent chapters it has emerged that these magnify when the focus moves from abstract definition to real events in the House of Commons. The purpose of this final chapter is to explore further these problems and ambiguities, not on the assumption that we can give precise answers to all the questions which surround the phenomenon of conflict of interest in a parliamentary context, but with a view to clearing away some of the confusion which has arisen in the course of the House's own attempts to grapple with these problems. It first examines those problems and ambiguities stemming from the representative role of the MP and then tackles those deriving from, or associated with, the confusion between conflict of interest and corruption. Ultimately it touches on the problem posed at the outset of this study, of determining the point at which mere possession of a private interest gives rise to a situation of conflict of interest, and the point at which, if at all, this conflict becomes redefined as corruption.

Conflict of interest shades off into representation of interests

'The representation of interests lies at the heart of this matter' asserted one Labour MP during the June 1974 debate on Members' Interests.¹ In so saying he pinpointed a crucial dimension of the problem of conflict of interest in Parliament identified in Chapter 1, that in examining the problem one must consider the nature of the representative function of the Member and the unique character of legislative employment.

As concluded by A.H. Birch:-

'... there is no single theory of political representation in Britain which commands general acceptance. Instead there is a continuing debate in which a variety of theories are invoked, some of them being variations on a theme and others being logically incompatible with one another.'²

These theories of representation include the Old Whig view, Liberal views, Radical views and, with the rise of disciplined parties during the nineteenth century, the Collectivist view. As indicated in Chapter 3, each of these theories emerged in a particular period in response to a particular combination of circumstances. Instead of replacing older theories they

took their place alongside them as additional strands in the British political tradition. Thus the continuing debate about representation theory revolves around an accumulation of convictions and reveals several dichotomies in representative theory concerning the proper role for the elected Member. In particular there is the issue of whether he should be a mandated or independent parliamentarian. Deriving from this is the 'delegate versus trustee' controversy which poses the question as to whether a Member is, or should be, bound by and act solely upon the instructions of his constituents, or whether he should use his independent judgment and convictions and regard himself as a trustee either of 'interests', as in Burkean theory, or of the opinions of rational independent individuals, as envisaged by the Liberal formulation of trustee theory.³

How in practice do Members of Parliament interpret their representative role? David Judge argues that, as in theory, the practice of representation in Britain is far from one-dimensional:-

'The adhesion to contrasting principles of representation within the political culture leads to an ambivalence in the interpretation of the representative's role ... What emerges ... is not a compartmentalisation of theories but rather a fluidity of thought that allows a representative to determine his own style of representation at any given moment.'⁴

While Members may owe their allegiance to the political party which ensured their election and perhaps subscribe to the theory of the mandate, they may simultaneously assert their independence as laid down by the Burkean tradition and/or be associated with one or more sectional economic interests. This study accords with H. Eulau's view that:-

'One can think of representation as a continuum, with the Trustee and Delegate orientations as poles, and a midpoint where the orientations tend to overlap and, within a range, give rise to a third role. Within this middle range the roles may be taken simultaneously, possibly making for conflict, or they may be taken serially, one after another as conditions call for.'⁵

Eulau also points out that in empirical research the focal and stylistic dimensions of representation should be distinguished.⁶ The foci of representation - local, national, party and so on - need not be mutually exclusive. For example, in an American context he notes that a party may be so strong in a district that for the representative the interests of district and party are identical. Also, in some cases, perhaps more likely in America than in the United Kingdom where most MPs do not represent perfectly homogeneous constituencies, the interests of the Member

and his constituents fortuitously overlap. As pointed out in the 1973 Canadian Green Paper on Members' interests, it is often argued that in choosing representatives the electorate, or perhaps more accurately the local party caucus, take into account private interests. To perform a representative function properly the prospective Member may advance his electoral prospects by showing that he has a personal interest which coincides with those of his constituents. For example, a farmer may choose to represent farming communities and a businessman may be chosen to represent predominantly commercial communities. Unavoidably, in representing his constituents, a Member may be seen as working on his own behalf, or promoting his private interests and of violating his fiduciary duty.⁷ Analytically, although not necessarily in practice, the style of representation is neutral as regards the focus of representation. The latter, regardless of whether it is a geographical unit, a pressure group, a party or whatever, does not commit the representative to adopting either the independent trustee role or the role of a mandated delegate.

The MPs included in the random sample survey for this study were asked what interests if any, apart from those of their constituents in general, they considered an MP may legitimately represent in the House (Q. 19). Answers to this question, which was left deliberately open-ended (in order to tap Members' views on representation) were not quantified because their meaning was ambiguous. However, it can be argued that this problem is in itself revealing in that it is consistent with, and lends support to, Judge's premises that MPs adhere to contrasting principles of representation, often simultaneously, that they are ambivalent in interpreting the representative's role, and that they often call upon 'suitable' conceptions of representation to justify their actions.⁸

Some Members specified the broad types of interests they felt they could legitimately represent in the House such as national interest, specialist interests or party interests, while other Members tackled the question in an even more general way and gave broader answers such as 'any interests not contrary to national interest or constituency interest', or 'a decision for the MP to take as an individual'. Yet a third level of response was provided by several Members who seemed unable to consider the question in a depersonalised way and gave their response in terms of their own specific interests such as membership of a particular trade union or profession. The most comprehensive list of 'legitimate' interests that could be represented was provided by a Conservative MP who entered the House

at the February 1974 General Election, and illustrates just how in practice a Member can simultaneously adhere to a variety of theories of representation. The list consisted of:-

- 'His constituency (he represents his party in the constituency and his constituency in Parliament);
- Party (includes principles and ideology);
- Own judgment (retains independence - particularly on moral issues);
- Attitude in the nation (national interest);
- Specialist interests.'

The most frequently mentioned category - indicated by just over 30% of the sample - was specialist interests (pressure groups, trade unions etc.) although this was usually accompanied by the proviso that such interests, particularly if paid, should be declared in the House. In line with Judge's observation that politicians often call upon 'suitable' conceptions of representation to justify their actions, Members who mentioned this category usually gave a justification for such interests in terms of the advantage to be gained by the MP and ultimately the House from the information provided by these interests. A quotation from one Labour MP in the sample illustrates this point:-

'I believe that my sponsorship by the Union informs my comments and contributions on issues affecting affairs and as a consequence I believe I am able to act that much more effectively in this rather specialist area'.

It should be taken into consideration that Members may have been prompted to mention specialist interests more frequently than other interests because they were responding to a schedule which was primarily concerned with outside interests. Also, Members often found the categories of national interest, party interest and their own judgment too obvious to mention. For instance, on most issues MPs are in sympathy with, or at least prepared to go along with, their party line and therefore may take this for granted. A similar problem was recorded by Eulau who found that Representatives may take whatever areal foci they have so much for granted that they feel no need to mention them.⁹

Overall the ambivalent interpretation of the representative role of the British MP provided by the sampled MPs lends support to Judge's suggestion that 'they are capable of holding, at any given time, a mix of styles and foci of representation' which they can call upon to justify their actions. This confused picture of the representative role ascribed to British MPs is not restricted to MPs themselves. As one long standing Conservative MP in the random sample survey remarked:-

'A main problem is the public's ambivalent attitude to MP's interests, and indeed to the proper role of an MP'.

This conception of 'the public' is itself indicative of a view of representation. Thus, although an understanding of the representative role of the legislator is necessary for an understanding of conflict of interest, it has emerged that there is no one clear, commonly agreed-upon concept of representation which would facilitate identification of the point at which representation of interests ends and conflict of interest begins.

It has become apparent that the confused picture of representation in Britain is exacerbated by Members representing personal or sectional interests in addition to those of their party, constituents or the nation. In Chapter 6, through the medium of Members' recorded entries in the Register, we looked at the types of outside financial interests which Members admit to pursuing. Here the main broad categories of personal or sectional interests that Members represent are examined more generally both to show the risks of conflict of interest they may present, and to illustrate the practical problems of clearly distinguishing between conflict of interest and representation of interests. To some extent this discussion inevitably begs the question as to how much influence an MP actually has, an issue which is considered in more detail below.

Earlier chapters have shown that the relationship which has been most closely monitored by Parliament is that between trade unions and sponsored MPs.¹⁰ Although technically all Labour candidates and therefore all Labour MPs have to have their candidature supported by one of the organisations affiliated to the Labour Party, common usage restricts current use of the term 'sponsored MP' to trade union supported Members. However, it should be noted that MPs have also been sponsored by organisations which are not affiliated to the Labour party; two major examples are the National Union of Teachers and the National Farmers' Union (who have not sponsored any candidates since 1945). Since 1950 more than one-third of Labour MPs returned at successive elections have been trade union supported Members; 112 union-sponsored Members were returned in 1970, 127 in February 1974, 126 in October 1974 and 134 in May 1979.¹¹ The union may provide financial aid to the local party and in addition may contribute up to 80% of its candidate's election expenses. If elected to Parliament the sponsored MP may receive a small supplement to his parliamentary salary and/or be provided with secretarial assistance. Unlike the amount of financial aid which may be given to the local party, there

is no limit on this and the practice of unions varies. However, in evidence to the 1969 Select Committee on Members' Interests (Declaration) the Rt. Hon. Douglas Houghton (now Lord Houghton), formerly chairman of the Parliamentary Labour Party, said that he knew of no union which paid more than £250 a year to its sponsored MPs.¹²

This form of functional representation has been accepted by the House with the proviso that the MP should not enter into any contractual agreement with an outside body controlling or limiting his complete independence and freedom of action in Parliament. As was seen in Chapter 3, this restriction was adopted by the House in a resolution passed in 1947 following the W.J. Brown case.¹³ At the time, W.J. Brown MP, himself argued that the root of the problem did not lie in the existence of written or even unwritten contractual arrangements but in the fact of a financial relationship between a Member and an outside body, a relationship which would continue regardless of whether the House passed the motion imposing the restriction on contractual agreements.¹⁴

A major problem for the trade union sponsored MP is to define which group he represents or serves in the House. As recognised by William Muller, membership of a trade union lays Members open to the charge that they neglect the public interest and violate the tenets of Liberal and Radical theories of representation inherited from the nineteenth century.¹⁵ In passing the resolution in 1947 following the W.J. Brown case the House decisively reaffirmed that the representative duty of the Member was to his constituents and to the country as a whole rather than to any particular section thereof.¹⁶

The 1947 resolution appears to provide no protection however for the relationship between a Member and his constituents, or his local party organisation. In 1971, during a meeting of the Select Committee of Privileges, Harold Wilson, a member of the Committee, asked the Clerk of the House: 'If a constituency party were to say, after exercising all the legitimate pressures, "if you vote in the House in this way we shall not adopt you as a candidate in the next General Election" would that constitute a threat and a breach of privilege?' The Clerk, Sir Barnett Cocks, thought it would not, explaining: 'I would think that that constituted legitimate pressure on a Member imposed by one of his constituency parties. I do not think that that would ever constitute a threat which involved a contempt of the House or a breach of privilege'.¹⁷

In contrast to the diminishing importance of the trade union and sponsored MP relationship brought about by the closer liaison between government and the unions, declining party memberships give greater influence to local party activists who may perhaps have strong ideological convictions which could threaten a Member's career.¹⁸ For example, both Edward Milne (Blyth) and Dick Taverne (Lincoln) lost the backing of their constituency Labour parties and stood against the official Labour candidates in February 1974. Explaining why he resigned his seat and stood as a 'Campaign for Social Democracy' candidate, Taverne explained that he had been trying to prove something about the role of an MP - 'that he (was) not a puppet to be dictated to by his party caucus'.¹⁹ This problem is not restricted to Labour MPs, as evidenced by Mr Brocklebank-Fowler, a Conservative MP who in 1981 was in trouble with some of his local constituency officials for criticising Mrs Thatcher and the Government.²⁰ Mr Brocklebank-Fowler has since defected to the Social Democratic Party.

The independence of MPs has also recently become an issue in the context of the Labour Party's decision, taken at the 1980 Labour Party Conference, to introduce mandatory reselection of MPs by their local parties. This proposal, under which all Labour MPs have to stand for re-adoption by their constituencies before each general election, was passed by a narrow 3,798,000 votes to 3,341,000. It is the first of several 'left-wing' measures to reform the Party's constitution to be adopted and is a contentious issue among Labour MPs. Prior to the Labour Party adopting this measure, during a debate on Members' interests Mr Robert Adley (Cons) had cited re-selection to support his belief that power is a far more corrupting influence than money. Begging the whole question of what constitutes corruption he had argued:-

'If the Labour Party goes through with the proposals for re-selection, with hon. Members being subjected to scrutiny by a handful of people who have a clear political motive in seeing how they behave in the House, that will be the sort of power and influence over hon. Members that is far more likely to corrupt hon. Members than is any amount of money that may be showered on us.'²¹

Earlier chapters have shown that business interests, although less closely monitored than trade union connections, also constitute a major source of potential influence and interest with which the House has to grapple. They are less understood or publicly recorded than trade union connections,²² and it is hoped that this study provides some contribution

towards D. Coombes and S.A. Walkland's request that 'more knowledge is required about the relationship between Members of Parliament and organised special interests outside parliament'.²³

The decline of private legislation and the growth of organised political parties has reduced the scope for promoting personal or sectional interests as existed in the eighteenth and nineteenth centuries. In addition, it can be argued that as with trade unions, the increasing interpenetration of government and industry, which has brought private business organizations increasingly under the umbrella of the machinery of government and administration, has diminished the political importance of the individual Member for promoting interests. However, there is also an argument the other way, that such 'interpenetration' has widened the scope of the political agenda to include new issues upon which MPs (as well as departments and ministers) can fruitfully be lobbied. As Alan Doig observes, representation or lobbying through Members still persists as an accepted means of keeping the opinions or requests of organised interests at the fore of public debate.²⁴

While the problem of business affiliations is not new, as earlier chapters have shown, recent concern has centred on the growth in consultancy, advisory and public relations activity among MPs. It is because this type of activity on the part of MPs is a comparatively new (or newly recognised) 'hazard', and therefore perhaps less clearly understood than the more familiar business affiliations of a directorship or shareholding, that it is singled out here for closer examination.

Although the focus of concern has been the individual MP acting in a consultancy or advisory role, both Conservative and Labour Parties have become aware of the additional problem that a number of all-party groups have been formed to assist the covert invasion of lobbyists for various organisations and bodies into Westminster. Their combined response has been to set up a joint working party to formulate ground rules in this area to curb abuse of all-party groups. Examples of the type of abuse unearthed by backbenchers not on the working party include an MP being asked by an outside body to form a group so that meetings and dinners can be held at Westminster, and a number of cases where an all-party group consists of more outsiders than MPs.²⁵

The suspicion and unease surrounding consultancy and public relations activity among MPs is exacerbated both by the lack of clarity surrounding the functions and services the relationship involves and by the

fact that where the relationship lacks a direct pecuniary interest, or where the arrangement is such that the MP is not a direct representative of the client, he may consider the declaration of such an interest unnecessary. What services then do public relations firms feel they are getting when they enlist the services of an MP? Unsure of (or wanting confirmation of) the answer, Mr Eric Lubbock (now Lord Avebury) put this question to Mr Herbert Lloyd, F.I.P.R., President of the Institute of Public Relations, during the proceedings of the 1969 Select Committee on Members' Interests (Declaration). Mr Lloyd considered the answer was threefold:-

'An MP is a man of power, a man dedicated to public service. He is a man prepared to serve the community. He is a specialist, and he is a specialist in a field which is of interest to the whole community. For these reasons he is as good as Harley Street. You go to the Member of Parliament'.²⁶

Pressed by Lubbock, who asked whether it might be possible that some firms employed MPs because it merely looked good to have an MP on the note paper, he added a fourth reason:-

'I hesitated to say this having proper regard to the honour of the House but you have a very great prestige, a special value'.²⁷

Public relations firms may employ an MP for no other skill or purpose than the fact that he or she is an MP and has prestige value, regardless of any influence he or she may or may not in fact possess. As Joe Ashton (Lab) points out, the public relations situation is often a charade. Someone gets a fee for the idea that he is spending the firm's money wisely at the seat of government, but in reality the MP is cynical and knows that he has very little influence.²⁸ Nevertheless, the appearance of a conflict of interest may be damaging to the party, and ultimately to the reputation of Parliament.

From the standpoint of one who is frequently commissioned to act as a 'talent scout' for firms wanting to recruit the help of MPs, Andrew Roth says that MPs' duties involve 'putting down questions in the House, promoting the company's interests in any legislation, or even initiating legislation in the form of Private Members' Bills'.²⁹ However, from his experience the hiring of MPs to influence legislation is a fairly minor activity compared to providing useful information for companies which employ them as directors or consultants. He argues that they have the unique qualification of having access to ministers and civil servants and that it can be extremely valuable for a particular firm or industry to know in advance which way politics are moving in their field.

However, once an issue which they wish to influence has reached the House, then it may be useful for them to employ a Member sympathetic to their cause to advise them on parliamentary tactics and to act as a focus of opinion within the House, hiring rooms where a meeting, exhibition or press conference may take place and ensuring that other MPs are aware of the event. A public relations consultant with experience of 'recruiting' MPs remarked to this writer that it is not cost effective for public relations firms to retain an MP on a permanent/semi-permanent basis to look after clients. Rather, if the firm has a catholic clientele they might wish to contact the right specialist MP at the right time, eg. if the issue concerned prison services then they would approach an MP who has a specialism in this area, even if it is a little out of date. Alternatively, on some issues, such as the siting of a particular industrial concern, they might approach the MP whose constituency would be affected, perhaps in terms of creating new employment if the concern is located there. In this instance the interests of the Member's constituency and the sectional interest may coincide and become difficult for the MP to distinguish when calculating what action, if any, to take.

The function of providing useful information for companies was explained in the Memorandum by the Institute of Public Relations submitted to the 1969 Select Committee on Members' Interests (Declaration), where they advised the Committee that:-

'The activities of government are frequently of direct concern to companies and other organisations, many of whom rely on their public relations staff, or consultants, to keep them informed of such matters and to advise them if action seems desirable. New or impending legislation, new regulations by Government departments, views expressed by Members in the House of Commons - all may affect their operations ... We submit that public relations practitioners perform a valuable function by ensuring that their clients or employers are fully informed of such matters, and by assisting them to interpret them correctly to their employees and to those members of the public with whom they deal.'³⁰

They also pointed out that public relations is a two-way process, and that it is equally the proper function of public relations practitioners to provide MPs and Government departments with information and opinions from those whom they may represent. Although in this context, a Member has to guard against the temptation of turning his advisory role into one of advocating in the House interests in which he may have a financial connection.

The form of public relations activity which prompted the setting up of the 1969 Select Committee on Members' Interests was not concerned with domestic clients but with foreign governments. There are three main areas in which a foreign government will be most likely to seek the services of a public relations consultancy: the promotion of tourism; industrial development, investment or trade; the ventilation of a political issue in which the support of public opinion in Britain may be sought and which may overspill into the two previously mentioned areas.³¹ In addition a consultant, whether to a foreign government or to foreign commercial interests, may be required to advise his client as to when an issue of interest to him crops up in the House and what the trend of opinion on the issue is. This, Maurice Fraser maintained, was the main role performed by Gordon Bagier MP in relation to the Greek military Government - to alert him, Fraser, whenever the topic of Greece was discussed in the House. However, as evident in Chapter 4, this case demonstrated the ambiguity that may attach to the public relations function on behalf of foreign interests.

In general, it is the view of the Institute of Public Relations that foreign users of public relations - whether governments or commercial interests - should be treated no differently than domestic clients or employers, but they stress that while any organisation has the right to state its case, however controversial, and to promote its own interests, this must always be done openly, honestly and legally.³² At the extreme, there is also a security angle attached to the relationship between MPs and foreign governments. For example, the recent allegations (unproven) that two Labour MPs are on the regular pay-roll of Communist intelligence.³³

A distinction should be drawn within the category of MPs engaging in consultancy or public relations activity. On the one hand, there are the men and women whose job function before entering Parliament was public relations work and who continue to practice their professions after taking office in the same way as might a lawyer, barrister, accountant etc. They present similar potential conflict of interest problems as other management disciplines or consultancies but the latter attract less suspicion. On the other hand, there are those men and women who acquire their connections and sell their services to public relations firms etc. after entry to the House. The group who continue to do their

professional job as well as being an MP perhaps experience different types of conflicts than those MPs choosing as MPs to act as consultants. Also, bearing in mind the problem alluded to earlier of a Member failing to consider necessary the declaration of his connection with a domestic or foreign interest, it should be noted that a Member of Parliament may provide a function analogous to that of a public relations consultant without having connections with a public relations firm and without describing himself as a public relations consultant. As pointed out by the chairman of Michael Rice and Company in evidence to the 1969 Select Committee on Members' Interests (Declaration), it may reasonably be argued that the recognised and declared public relations consultancy is less likely to be engaged in activities which may in any way be seen as improper than is the private individual in Parliament, or out of it, who fulfills a public relations function without it being recognised as such.³⁴ Although the Institute of Public Relations requires all members to sign a written undertaking to observe a code of professional conduct and makes provision for its enforcement through a Professional Practices Committee and a Disciplinary Committee, as we have seen this applies only to those practitioners who are members of the Institute; it does not reach out to touch the integrity of those who act as public relations consultants but chose not to join the Institute.

Although discussion has focused on trade union sponsorship and business affiliations (in particular P.R. activity) ambiguity may arise wherever a Member is a paid parliamentary adviser or consultant to an organisation. For example, during the debate in the House on capital punishment on 19 July 1979, Mr John Prescott, a trade union sponsored Member, reminded the House of the rules concerning declaration of interests and asked the chair whether Mr Eldon Griffiths, who had just made a speech in favour of capital punishment, could be requested to say whether he had a paid interest in the subject. In reply, Mr Griffiths sought to clarify his position and in so doing alluded both to his independence from the sectional interest and his allegiance to a wider concept of representative responsibility:-

'... I advise the Police Federation, just as many other hon. Members advise other associations. If I agree with the Police Federation, I support its case. If I disagree, I tell it, and I do not support its case. My responsibility is to my constituents and to the national interest'.³⁵

The representation of sectional interests in this way is legitimate and acceptable to the House, provided such interests are declared as and when necessary.

Conflict of Interest shades off into corruption

It has become apparent that the task of clarifying the phenomenon of conflict of interest in the House of Commons is further complicated by the *erroneous* belief that conflict of interest can be treated as a weak form of the more emotionally charged phenomenon of corruption.

Corruption is referred to in a variety of contexts but here we are primarily, though not solely, concerned with the overlap between conflict of interest and corruption within the state, i.e. political corruption. Like conflict of interest, corruption has proved difficult to define. In Britain legal definitions are embodied in the Corruption Acts³⁶ which have in turn been reinterpreted by the courts.³⁷ The offence of corruption as defined in the 1889 Public Bodies Corrupt Practices Act and the 1906 Prevention of Corruption Act consist of three main ingredients.

It has to be shown:-

- (i) that a gift or consideration was given or offered by one party to another;
- (ii) that the gift or consideration was given, or received, as an inducement or reward for services to be rendered or already rendered in relation to official duties; and
- (iii) that the transaction took place corruptly.

The statutory definition of corruption does not attempt to be exhaustive and rests on the implicit premise that it is preferable for judges to construct definitions incrementally by way of litigation; a process which is to some extent responsive to the nuances of changing mores.

In 1901, the Lord Chancellor argued in relation to an earlier version of the 1906 Corruption Act that 'the reason why no attempt is made to define corruption is that the thing is so protean that to define it is almost impossible.'³⁸

As observed by Robert C. Brooks in 1910, the legal concept of corruption applies 'only to those more flagrant practices which past experience has shown to be so pernicious that sentiment has crystallised into statutory prohibitions and adverse judicial decisions'.³⁹ It is not broad enough to cover the concept as seen from the viewpoints of political science and ethics; consequently, within the social sciences several broader definitions of political corruption have developed, each utilizing different criteria:-

1. Public office centred definition - establishing a concept of public office and labelling as corruption deviations from standards of conduct binding upon incumbents.⁴⁰
2. Market centred definition - in terms of theory of the market whereby the public servant regards his public office as a business and seeks to maximise his income, the size of which depends 'upon the market situation and his talent for finding the point of maximal gain on the public's demand curve.'⁴¹
3. Public interest definition - corruption is seen as a subversion of public interest.⁴²

All of these definitions involve ambiguities. Definitions 1 and 2 involve asking which norms are to be used to distinguish corrupt from non-corrupt acts, whilst definition 3 utilizes the indeterminate concept 'public interest'. Thus, while precision and clarity regarding corruption are difficult to obtain even within the relatively limited boundaries of law, 'once we step outside the circle of legality ... we find extremely confused, conflicting, and even unfair states of moral opinion regarding corruption.'⁴³

The vagueness of the concept of corruption in part accounts for the ease with which allegations of conflict of interest can escalate into accusations of corruption in the excitement of a political scandal. As recognised by Joel Hurstfield:-

'Because the very word corruption is vague and extraordinarily difficult to define, it has, quite understandably, become the stock-in-trade of political controversy. Either by direct accusation, or by innuendo, it is the easiest charge to make and the most difficult charge to refute ... the frontiers of corruption are themselves vague and undefined; and where frontiers are vague wars are liable to break out and the air grow thick with propaganda and with charge and counter-charge.'⁴⁴

How do Members of Parliament themselves perceive conflict of interest and corruption, and how, and to what extent, do they distinguish between them?

Members included in the random survey were asked first of all what they understood by the term corruption (Appendix 2, Q. 34a) and then how far, if at all, their view of conflict of interest overlapped with this (Q. 34b). While the limited survey could not uncover all the shades of opinion about conflict of interest and corruption present in the House of Commons, it did highlight elements of the fundamental confusion and lack of agreement over the two terms which exist there. In this

respect it supports the interpretation of corruption advanced by Steven Chibnall and Peter Saunders - that corruption should be regarded 'as a negotiated classification of behaviour rather than an inherent quality of behaviour'⁴⁵ and suggests that conflict of interest in the House of Commons can be similarly interpreted. According to this interpretation, classification of the behaviour is accomplished by the application of certain tacit, common sense interpretive criteria, dependent on the particular social context and past experiences of the observer. The basis of this argument is that the same act may be amenable to a variety of interpretations because people have different views on a situation or act according to their social context, experiences, etc.⁴⁶ For example, what is acceptable to one MP may be totally unacceptable to another; and this relates both to the propriety of holding an outside financial interest and to the behaviour of an MP holding such an interest. Further, for those implicated in cases of alleged misconduct (whether it is called conflict of interest, corruption or whatever) this often means that at some point they are faced with an unfavourable re-classification by another body, perhaps a select committee, or tribunal of inquiry or even a court,⁴⁷ of action they themselves had perceived as acceptable at the time. However, it should be remembered that earlier chapters have shown that this fundamental confusion and lack of agreement over the two terms in the House is not just a problem of differential perception, but also one of a lack of clear rules applicable to MPs in the field of outside financial interests.

Although Members' responses to the questions concerning conflict of interest and corruption varied greatly, as recorded in the tables below it was possible to reduce them to very general categories according to the emphasis given by respondents.

Table 1 MPs' views on what constitutes corruption

What does respondent understand by the term corruption?	Total Sample %
Respondent emphasised:	
Legal aspect; i.e. dishonest practice for money	40.00
Conflict of interest; i.e. where personal financial interest overcomes or distorts Member's public duty as MP.	36.67
Benefit to Member or other; i.e. doing something for one's own advantage or to the advantage of someone else for money, position or benefit in kind	13.33
Moral as well as pecuniary aspect of corruption	10.00

Source: Appendix 5, Q. 34(a)

Table 2 MPs' views on how far Conflict of Interest Overlaps with Corruption

Views on how far conflict of interest overlaps with corruption	Total Sample %
Totally different terms; corruption associated with behaviour for personal financial gain whereas conflict of interest need have no connotation of personal gain and in a non-pecuniary sense is endemic to politics.	26.67
Potentially overlapping terms; conflict of interest may arise innocently but could be resolved in a corrupt way.	36.67
Overlapping terms; no strict demarcation between the two terms. Both conflict of interest and corruption loosely defined as conflict between private interest and public duty with conflict of interest shading off into corruption.	26.67
Other	6.67
Do not know	3.33

Source: Appendix 5, Q.34(b)

As can be seen from Table 1, 40% of Members interviewed referred to the legal definition of corruption embodied in criminal law. They rarely mentioned the Prevention of Corruption Acts directly but used such phrases as 'doing something dishonest for money' or 'the taking of payment in the furtherance of a cause which might be judged illegal'. Among these responses corruption was frequently associated with bribery, the one specific financial connection not tolerated by the House and which has been proscribed by a resolution of the House since 1695.

The ingredient of conflict of interest in the definition of corruption was emphasised by approximately 37% of Members. However, for them it was not sufficient for a conflict of interest simply to exist. Corruption arises only where personal financial interest overcomes or distorts a Member's duty as an MP. Closely associated with this category of response, although not directly picking out the actual conflict of interest element, were those attempts at definition which stressed the act of doing something for one's own advantage or to the advantage of someone else, not just for money, but for position or benefit in kind. Lastly, 10% of Members stressed that people, and in this specific instance MPs, can be morally corrupted as well as financially corrupted. Arguing that 'money is the narrow view' they referred to corruption by drink, immorality and bigotry.

Members' views on how far conflict of interest overlaps with corruption highlight some of the dimensions of conflict of interest peculiar to politics. As can be seen from Table 2, approximately 27% of the sample considered conflict of interest and corruption to be totally different terms. For them, corruption was associated with behaviour for personal gain, whereas conflict of interest need have no connotation of personal gain and in a non-pecuniary sense is endemic to politics. As argued by one Member, a major function of an MP may in fact be viewed as that of reconciling conflicts of interests. As an elected representative the MP is constantly having to weigh up 'the interests of the country, constituency, his or her party outside the House nationally and locally, and his or her party inside the House, and in addition personal or sectional interests'. These are never all in agreement and there are endless permutations. These Members appeared to be making a distinction similar to that drawn by Robert Getz between 'conflict of interest' and 'conflict of interests'. As explained in Chapter 1, Getz argues that a 'conflict of interests', with legislators representing functional and sectional desires in the name of the 'public interest' is acceptable, whereas 'conflict of interest', whereby legislators seek to further their own interests, is not.

However, although conflict of interest may have no connotation of personal gain, aspects of conflict of interest other than the pecuniary dimension can create problems and attract criticism. For example, there is the problem of 'time'. While the customary argument against Members pursuing business interests focuses on potential business bias in the House, there is also the argument that '... a multiplicity of outside involvements may pre-empt an unduly large part of the time and energy MPs have at their disposal to think about and perform their parliamentary duties'.⁴⁸ This problem is not restricted to business activities. For example, Mr Keith Best, Conservative MP for Anglesey, found it necessary to resign his seat on Brighton council because his Westminster and ward workload became incompatible. This problem was also experienced by Mr John Heddle, Conservative MP for Lichfield and Tamworth, who resigned from Kent County Council because the dual workload was becoming too heavy a burden and because many cases involved conflicting interests and the danger of getting bogged down in parochial affairs.⁴⁹

Approximately 37% of the sample saw an association between conflict of interest and corruption, viewing them as potentially overlapping terms; a conflict of interest may arise innocently but could be resolved in a corrupt way. A further 27% of Members posited a closer relationship between the two terms, judging that no strict demarcation could be made between them. Here, both conflict of interest and corruption are loosely defined as conflict between private interest and public duty with conflict of interest shading into corruption. This view was summed up by one Conservative Member who commented, 'a conflict of interest is where your judgment as a politician, as an MP, conflicts with your best interests in the financial and business sense. Corruption follows on from this definition of conflict of interest and is where you allow one to overcome the other'. It also underlay the view of the Labour Member who observed, 'we know the legal definition of corruption, i.e. the buying of a vote or voice on an issue etc. Beyond that it shades off into conflict of interest where it is a matter for the conscience of the individual MP'.

Although Members themselves tend to experience difficulty in distinguishing clearly between conflict of interest and corruption, and there is inevitably an intermediary greyarea partaking of the quality of both, a distinction should be drawn between the two. Conflict of interest in itself does not imply resolution in favour of personal advantage, merely that a conflict exists which could be resolved in one of several ways. Corruption, on the otherhand, can be viewed as a particular method of resolving this conflict, whereby personal financial interest overcomes or distorts a Member's duty as an MP; distortion may of course be incidentally beneficial to the public interest.

How much influence does an MP have?

Much of the discussion about the potential problem of conflict of interest in Parliament and the attendant risk of corruption inevitably begs the question as to how much influence an MP actually has. In order to obtain views on this issue, Members included in the sample survey were asked what aspects of being an MP in their view provided opportunities for conflict of interest and possibly corrupt activity (Appendix 2, Q. 35). To avoid difficulties and ambiguities which might present themselves to Members who had already said that conflict of interest in a non-pecuniary sense was inevitable and endemic to politics, in answering this question Members were asked to restrict their understanding of conflict of interest to direct or indirect financial interests.

In attempting to justify why registration should be restricted to MPs and no other groups, one Labour MP asserted:

'I think MPs are in a special category because they have power to influence events ... this power can be used by outside interests by bribery and corruption to influence the course of events'.

This was not a view shared by the other Members in the sample who tended to stress the limitations on the scope and extent of the influence wielded by individual MPs. However, while the general consensus was that backbenchers do not have much power, this did not prevent MPs from recognising potential opportunities for advancing outside interests, and the importance of justice being seen to be done. This did not indicate, however, that they thought such opportunities would necessarily be taken advantage of.

Approximately 36% of the sample pointed to potential scope for promoting interests on the floor of the House or in committees. Assuming a Member had an outside interest, this could conceivably be advanced through Parliamentary Questions, speaking or voting in the House, tabling amendments to legislation and so on. It was pointed out that with membership of committees there is the further problem of balancing knowledge of the subject under discussion with impartial judgment. Taking, for example, a Select committee of the House dealing with the tendering for a computer system, while it might be useful to include among the membership MPs with knowledge of computers, often such knowledge would be associated with interests in computer firms; a fact which at some point could create a situation of potential conflict of interest which the individual MP would have to resolve, possibly by resigning from membership of the committee. The facility of access to people of influence, particularly ministers, which Members possessed was mentioned by 40% of the sample. A Member could write to or have direct contact with a minister about a business matter without necessarily declaring an interest and persuade him to take action. Over 50% of the sample saw the mere possession of paid outside interests, domestic or foreign, creating potential scope for conflict of interest.

In contrast to those MPs who recognized that opportunities do exist for Members to use their parliamentary status for personal advantage, even if their capability to influence events is low, approximately 20% of the sample asserted that the scope for such activity was narrow, if it existed at all. However, even if the scope and extent of the

influence of MPs is low, and opportunities for abusing their position few (a fact which was not endorsed by the random sample survey responses) this does not eliminate the problem of conflict of interest. As was pointed out by Joe Ashton (Lab) when discussing public relations activity, even if MPs themselves may know they have little influence, outsiders may not. Consequently, as argued by Willie Hamilton (Lab), 'Business firms and foreign governments still think it is worth paying MPs - if only to make it easier to gain access to Ministers - to ask Questions and make speeches on their behalf'.⁵⁰ The image of the influential MP may be a myth, but it is still important if it is believed and shapes people's behaviour.

So far the term 'influence' has tended to be given negative or improper connotations. As noted by Frank C. Newman, at the extreme it has been associated with corruption, bribery and other illicit conduct, from which he considers the British MP is largely free from suspicion. As a lesser evil, it can mean, and Newman insists should mean, only that 'what an MP does may not be isolatable from the fact that his associates, his constituents, his party officials, or other persons have spent money with political aims'. He argues that, 'if open and above-board, this kind of influence is mostly proper; without it we could not operate our democratic government'.⁵¹ 'Influence' can also be clothed with more positive connotations. As earlier chapters have shown, MPs defending the assumption that it is proper for Members to possess outside interests have constantly emphasised the benefits to be gained for the efficient working of Parliament from Members speaking from the experience of their current outside interests. They believe that active participation in some outside occupation helps to maintain a Member's awareness of realities and problems outside Parliament and to ensure that his or her 'expertise' is kept up-to-date. One Conservative Member in the sample survey argued:-

'This House derives strength from outside interests of Members. Until the whole structure is reformed good government rests on the practical experience of MPs.'

Another Conservative MP who shared this belief went on to argue that the suspicion and anxiety over Members' outside interests, and the consequent establishment of the Register, had inhibited MPs in using their specialist knowledge in debates to the detriment of Parliament. He illustrated his point with the case of a fellow MP who has oil connections but who deliberately does not take part in oil debates, thus potentially depriving the House of valuable expertise.

Comment

It has become clear that while possession of an outside financial interest is a prerequisite for a conflict of interest in the pecuniary sense to arise, and, as we have seen, aspects of conflict of interest other than the pecuniary aspect can attract criticism, the mere possession of such an interest by a Member does not mean that a conflict will necessarily occur. It is only when the parliamentary conduct and action of the Member may be, or may be seen to be, affected by these interests that the risk of conflict of interest arises, and even here it is not easily identifiable. An MP is an elected representative and as such is properly subject to a number of influences. We are therefore faced with the problem of determining how far an MP may legitimately be under obligation to, or influenced by outside interests, occupations or sponsors in parliamentary proceedings and at what point this representation of interests threatens to shade off into conflict of interest.

Further, as indicated, even if such conflict does arise, it should not be assumed that it will be resolved in a selfish, possibly corrupt way. As Samuel Finer protests:-

'Mr Hamilton's argument (or rather his assertion) - and all the others of this kind that have been and are being made - rests, in fact, on three unstated premises. The first premise is that in all cases when an interested Member raises a matter affecting his material interest he does so for selfish motives. The second premise is that, in all cases, a selfish motive is to the public disadvantage. The third is that only causes which are totally unprompted by any material consideration are to the public advantage - a very Kantian view of public morality.'⁵²

In cases of alleged conflict of interest the circumstances of the time, the form and the place of the Member's action, and the interpretation to be put on the action, as well as the intention of the Member, are all relative factors, and, as earlier chapters have shown, opinion may reasonably differ as to the importance to be attached to each of them.⁵³ Conflict of interest, therefore, remains a conundrum as well as a practical problem confronting the House. In practice it is frequently difficult to determine the borderline between what constitutes a legitimate representation of interests and what constitutes a conflict of interest with the attendant risk of corruption. The problem is all the more intractable because it is not just a matter of fact but also a matter of socially structured perception.

NOTES AND REFERENCES

INTRODUCTION

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CHAPTER 1

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83. Ibid. p. 21-22.
84. ROBERTS, Geoffrey K. op. cit. p. 158.
85. In recognising the importance of historical residues (though not necessarily residues of political culture) as opposed to functional considerations as factors in explanation this writer was prompted by V. Subramaniam's article where he tries to account for the present position of the specialist in different countries on the basis of their historical and political evolution in the last two centuries. SUBRAMANIAM, V. 'The Relative Status of Specialists and Generalists: An attempt at a comparative historical explanation', Public Administration, Vol. 46 (1968).
86. GREENSTEIN, Fred. Personality and Politics, Chicago, Markham Publishing Co: 1969, p. 7.
87. Ibid. p.29.
88. COHEN, Percy S. Modern Social Theory, London, Heinemann: 1968, pp. 91-92.
89. For the purpose of this study ideology is seen as a dimension of political culture, and refers to the set of primary values from which a person derives his attitudes towards political events and problems, and which guide his political conduct.
90. This term and the ensuing argument against reifying culture as an independent variable are based on the approach taken by Barrington Moore Jr. in Social Origins of Dictatorship and Democracy, Great Britain, Penguin University Books: 1973, pp. 485-487.
91. GUTTSMAN, W.L. The British Political Elite, London, MacGibbon and Key: Revised edition, 1965, p. 247.
92. Ibid. p. 226 and 247.
93. MARQUAND, David. 'Towards a Europe of the Parties', Political Quarterly, Vol. 49 (1978) pp. 425-445, at p. 439.
94. No attempt is made here to trace the historical emergence of the gentleman ethic and its entrenchment in the House of Commons in any detail, but a brief sketch of its development and transmission is included in order to show that the values and beliefs derive from concrete historical events.
95. REDLICH, Joseph. op. cit. Vol. 11, pp. 128-129.
96. MANNHEIM, K. and STEWART, W.A.C. An Introduction to the Sociology of Education, London, Routledge and Kegan Paul: 1962. In ch. IV Mannheim and Stewart provide a brief but succinct account of the evolution of the 'gentleman ideal'.

97. Ibid. p. 43.
98. WILKINSON, Rupert H. The Prefects: British Leadership and the public school tradition; comparative study in the making of rulers, London, OUP: 1964.
99. MANNHEIM, K and STEWART, W.A.C. op. cit. p. 43.
100. LASKI, Harold J. Parliamentary Government in England, London, George Allen and Unwin Ltd: 1938, p. 210.
101. FLETCHER, Ronald. Sociology: The Study of Social Systems, London, Batsford: 1981, pp. 16-17.
102. This analogy has been drawn by Members of Parliament themselves and the Media during the campaign for a register. A specific instance can be found in the introduction to ROTH, Andrew, The Business Background of MPs, London, Parliamentary Profiles Services Limited: 1975-76 edition.
103. WEBER, Max. 1949, op. cit. p. 78.
104. See fn. 85.
105. SHILS, Edward A. The Torment of Secrecy, London Heinemann Ltd: 1956, p. 27.
106. Ibid. p. 27.
107. See for example: DOWNS, Anthony. 'Up and down with ecology - the "issue-attention cycle"', The Public Interest, No. 26, Winter 1972; BRAYBROOKE, David. Traffic congestion goes through the issue-machine, London and Boston, Routledge and Kegan Paul: 1974.
108. See for example, RICHARDSON, J.J. and JORDAN, A.G., Governing under Pressure: The Policy Process in a Post-Parliamentary Democracy, London, Martin Robertson: 1979, particularly ch. 4, 'The Emergence of Issues and Policies', pp. 77-96.
109. DOWNS, Anthony. op. cit. p. 39.
110. Ibid. pp. 39 and 40.
111. ROURKE, Francis E. 'The United States' in GALNOR, Itzhak (ed), Government Secrecy in Democracies, New York, New York University Press: 1977, pp. 113-128, at p. 113.
112. The 'ideal type' is here used in the Weberian sense of 'a conceptual construct which is neither historical reality nor even the "true" reality ... it has the significance of a purely ideal limiting concept with which the real situation or action is compared and surveyed for the explication of certain of its significant components'. WEBER, Max. 1949, op. cit. p.93.
113. The concept of political scandal as a tool for the study of corruption has been explored by Graeme C. Moodie in, 'On Political Scandals and Corruption', Government and Opposition, Vol. 15 (1980) pp. 208-222.
114. SHILS, Edward. 1956, op. cit. p. 54.

Chapter 2

1. SELTZ, C., JAHODA, M., DEUTSCH, M., COOK, S.W. Research Methods in Social Relations, U.S.A., Holt, Rinehart and Winston: 1965 Rev. ed. p. 53.
2. STACEY, Margaret. Methods of Social Research, Oxford, Pergamon Press Ltd. first ed. 1969 reprinted 1977, p. 88.
3. RIDLEY, Professor F.F. Parliamentary Affairs, Vol. XXXI (1978) p. 355.
4. FORD, P. and FORD, G. A Guide to Parliamentary Papers, Oxford, Basil Blackwell: 1955. Revised ed., Irish Univ. Press: 1972.
5. In particular these included a survey of Reports of the Select Committee of Privileges since 1945, and of all ad hoc Select Committees concerned in any way with the issue of Members' interests or conduct.
6. Following the refusal of Enoch Powell to comply with the Register, the Select Committee on Members' Interests were not prepared to commend a further edition of the Register until the House expressed a view on the force of its Resolutions. Accordingly no published edition of the Register appeared after 26 May 1976 (H.C. 284). However, in February 1979 the writer was able to consult the updated Master Copy of the Register kept by the Registrar of Members' Interests at the House of Commons. Following the General Election of 1979 this too was withdrawn. In January 1980 the Register for the present Parliament became available for inspection at the House but not for publication.
7. In July 1972 Parliamentary Questions began to be asked on the Poulson affair and these tended to be indexed under the names of Mr John Poulson or Mr W.G. Pottinger. A major problem encountered when compiling the subject headings was lack of consistency over time, with similar material being indexed sometimes under very different headings in different volumes. The Hansard index does not lend itself to a systematic or accurate compilation of subject-headings.
8. See Appendix 4. Division List Analysis.
9. Early Day Motions are motions tabled by backbench Members who solicit signatures from their parliamentary colleagues. They are primarily a device whereby Members advertise their views, and unless a motion is sponsored by the Government or Official Opposition, it is unlikely to be debated. For a discussion of the problems involved in using EDMs as a valid source of information about MPs opinions see: BERRINGTON, H. Backbench Opinion in The House of Commons 1945-55, Oxford, Pergamon Press: 1973, pp. 1-20.
10. These Motions were identified from the House of Commons Library Bound Volumes of Early Day Motions (containing data extracted from 'Notices of Questions and Motions').
11. JONES, G.W. 'Personalities, Power and Parliament', Book Section, Parliamentary Affairs, Vol. XXXII (1979) p. 106.

12. In searching for relevant files I would like to acknowledge the help received from the Archival Records Section of both the Cabinet Office and the Home Office.
13. The main newspapers consulted were: The Times, The Guardian, The Daily Telegraph, The Sunday Times, The Sunday Telegraph, The Observer.
14. DEXTER, Lewis Anthony. Elite and Specialized Interviewing, Evanston, North-western University Press: 1970, pp. 8-9.
15. A full list of those interviewed is presented in Appendix 3.
16. SJOBERG, Gideon and NETT, Roger. A Methodology for Social Research U.S.A., Harper and Row: 1968, p. 175.
17. For a brief but clear exposition of random sampling see STACEY, Margaret. op. cit. pp. 88-97. For a more detailed account see MOSER, C.A., and KALTON, G. Survey Methods in Social Investigation, London, Heinemann, Education Books: 1971, reprinted 1973, pp. 77-117.
18. The labels of 'structured' and 'standardized' interview schedule are here taken to be synonymous. See STACEY, Margaret. op. cit. p. 75-80 for a discussion of 'structured' interviews; and SELLTIZ, C. et al. op. cit. pp. 255-263 for a detailed explanation of 'standardized' interviews.

Chapter 3

1. Parl. Debs. Vol. XXIX, cols. 1365-1484, Session 1911, 10 August 1911.
2. Payment of Members was one of the 6 political demands of 'The People's Charter' drawn up in 1838.
3. For a discussion of Labour Party finance see: PINTO-DUSCHINSKY, Michael. British Political Finance 1830-1980, London and Washington, American Enterprise Institute; 1982. esp. Ch. 3.
4. Parl. Debs. Vol. XXIX, col. 1382, Session 1911, 10 August 1911.
5. Mr Arthur Lee for the Opposition moved an amendment to this effect, Ibid. col. 1384.
6. Ibid. col. 1411.
7. Review Body on Top Salaries, First Report: Ministers of the Crown and Members of Parliament. Chairman: The Rt. hon. Lord Boyle of Handsworth. Cmnd. 4836 of December 1971.
8. For example, the 1946 Select Committee on Members' Expenses (H.C. 93 of 1945-46) did not regard the sum paid to a Member as a professional salary and felt it was unwise to curtail his freedom by paying him an amount which would demand his full-time attendance. A similar Committee in 1954 (H.C. 72 of 1954) noted the increasing difficulty of combining outside work with Membership but recognised 'some Members can, however, add to their income by directorships, by journalistic work, broadcasting, lecturing, consultative work, advising and similar tasks, which do not call for long absences from the House, and some are in receipt of payments made to them as officials of organisations'.

9. In June 1979 MPs' pay was increased to £9,450 with further increases to £10,725 in 1980 and £13,950 in 1981. As developed in Chapter 4, the modern wave of concern over MPs' interests arose at a time when MPs' salaries were inadequate, before the institution of the secretarial allowance and the improvements of the Boyle Report.
10. WILDING, Norman and LAUNDY, Philip. An Encyclopaedia of Parliament, London, Cassell and Co. Ltd: 1958, p. 419, 'Payment of Members'.
11. PORRITT, Edward and Annie. The Unreformed House of Commons: Parliamentary Representation before 1832, Cambridge: 1909, Vol. 1, p.153; NEALE, J.E. The Elizabethan House of Commons, London, Cope: 1949, pp. 321-4.
12. REDLICH, Joseph. The Procedure of the House of Commons, trans. E.A. Steinthal, Archibald, Constable and Co. Ltd: 1908, Vol. II, pp. 128-129.
13. GUTTSMAN, W.L. The British Political Elite, London, MacGibbon and Key: Rev. ed. 1965, p. 29.
14. SUBRAMANIAM, V. 'The Relative Status of Specialists and Generalists; An attempt at a comparative historical explanation', Public Administration, Vol. 46 (1968) pp. 331-340, at p. 333.
15. SUBRAMANIAM, V. loc. cit. p. 334.
16. PORRITT, Edward and Annie, op. cit. pp. 181-203.
17. 9. Anne, c. 5. See PORRITT, Edward and Annie. op. cit. pp. 166-9. This Act did not apply to Scotland.
18. Swift, Letter to Pope, 10 January 1721. Cited in PORRITT, Edward and Annie. op. cit. p. 170.
19. 33. Geo. II, c. 20. See PORRITT, Edward and Annie. op. cit. pp. 172-174.
20. 1 and 2 Vict., c. 48.
21. PORRITT, Edward and Annie. op. cit. pp. 174-177.
22. See PORRITT, Edward and Annie. op. cit. passim. See also O'LEARY, Cornelius. The Elimination of Corrupt Practices in British Elections 1868-1911, Oxford at the Clarendon Press, 1962, p. 232.
23. NAMIER, L.R. The Structure of Politics at the Accession of George III, London: 1929, Vol. I. In this volume Namier gives a typology of Members.
24. BEER, Samuel H. 'The Representation of Interests in British Government. Historical Background', American Political Science Review, Vol. LI (1957) pp. 613-650, at p. 623. He derives these figures from JUDD, Gerritt P. Members of Parliament 1734-1832, New Haven: 1955.
25. JENNINGS, Sir W. Ivor. Parliament. Cambridge University Press: 1957, 2nd ed. p. 46.

26. Namier records that in 1760 out of 489 English MPs, 192 had been returned by patrons, along with 32 others returned by Government influence. NAMIER, L.B. op. cit. Vol. 1, p. 182.
27. MCGILL, Barry. 'Conflicts of Interest: English Experience 1782-1914', Western Political Quarterly, Vol. XII (1959) p. 808.
28. BEER, Samuel H. loc. cit. p.620 and 621.
29. For an examination of Private Bill procedure see: WILLIAMS, O. Cyprian, The Historical Development of Private Bill Procedure and Standing Orders of the House of Commons, 2 Vols, London, H.M.S.O: 1948; CLIFFORD, F. History of Private Bill Legislation, 2 Vols, London, Butterworth: 1887.
30. During the nineteenth century private bill procedure was substantially revised on quasi-judicial lines, with Members sitting on opposed private bill committees being required to make a declaration of non-interest. See note 92.
31. Cited by BEER, Samuel H. loc. cit. p. 622.
32. Ibid. p. 628.
33. REDLICH, Joseph, op. cit. Vol. II, p. 116.
34. JENNINGS, Sir W. Ivor. op. cit. p. 46.
35. REDLICH, Joseph. op. cit. Vol. 11, p. 125.
36. BAGEHOT, Walter. The English Constitution, London, Fontana/Collins: first issued in 1963 with intro. by R.H.S. Crossman (first published in 1867) ch. VII.
37. REDLICH, Joseph. op. cit. Vol. II, p. 120.
38. Of Radical theory, which also emerged during the nineteenth century to rival the Old Whig dominance, Beer says, although, as with Liberal theory, their ultimate unit of representation was the rational independent man, Radical theory was hostile to specialist interests and instead sought to pursue the national interest through the will of the majority.
39. BEER, Samuel H. loc. cit. p. 640.
40. Ibid. pp. 645-650.
41. See for example ROSS, J.F.S. Parliamentary Representation, London, Eyre and Spottiswoode: 1948 (2nd ed.); The Times Guide to The House of Commons, London, Times Books Ltd. The May 1979 edition is the latest in a series which began in 1880; ROTH, Andrew. The Business Background of MPs, London, Parliamentary Profiles Services Ltd., editions as cited in Chapter 1, note 41; and since 1975 the Register of Members' Interests.
42. BEER, Samuel H. loc. cit. p. 649.

43. Report of the Select Committee on the Official Secrets Act, H.C. 101, Session 1938-39, p.v.
44. Members of Parliament and Conflicts of Interests, Green Paper signed by the President of the Privy Council of the Canadian Parliament, July 1973, p. 10.
45. Ministers are subject to written guidance on private interests issued by the Prime Minister. This detailed code, drawn to their attention on taking office, covers directorships, partnerships, shareholdings, investments, underwriting and gifts. For a discussion of the history and content of this code the reader is referred to: PLATT, D.C.M. 'The Commercial and Industrial Interests of Ministers of the Crown', Political Studies, Vol. 9 (1961) pp. 267-290.
46. 1 William and Mary. Sess. 2. ch. 2.
47. CJ (1837) 418-419.
48. PACHAURI, P.S. The Law of Parliamentary Privileges in U.K. and India, The Institute of Constitutional and Parliamentary Studies, New Delhi, 1971, ch. III.
49. MAY, Sir Thomas Erskine. Parliamentary Practice, London, Butterworths: First published in 1844 and now in its nineteenth edition, 1976. p. 67. Hereafter referred to as Erskine May, 19 ed; see also ANSON, Sir William R. The Law and Custom of the Constitution, 5th ed. by Maurice L. Gwyer, C.B., Oxford, Clarendon Press: 1922, Vol. 1 Parliament, especially chapter 4.
50. REDLICH, Joseph. op. cit. Vol. 1, p. 46.
51. These are the organizational categories under which G. Marshall surveys the application of privileges in the twentieth century. They inevitably overlap. MARSHALL, Geoffrey, 'The House of Commons and its Privileges' in WALKLAND, Stuart (ed). The House of Commons in the Twentieth Century, Oxford, Clarendon: 1979, chapter IV, pp. 204-246.
52. MAY, Sir Thomas Erskine, op. cit. p. 69. Also H.C. Debs. Vol. 601, c. 48. Session 1958-59, 2 March 1959.
53. Ibid. p. 68. See also Halsburys Laws of England, 3rd ed. Vol. 28, p. 464.
54. BLACKSTONE, Sir William. Commentaries on the Laws of England, Oxford, Clarendon Press, 1775.
55. Report from the Select Committee on Privileges. H.C. 247 of session 1963-64, Evidence, para. 239. (Clerk of the House of Commons).
56. Report of the Select Committee on Members' Interests (Declaration), H.C. 57, 4 December 1969, S. 1969-70, Part II, para 12.
57. Ibid. para. 87.
58. Enacted as 22 George III, c. 45; sometimes called Sir Philip Clerke's Act.

59. See McGILL, Barry. loc. cit. pp. 808-827, for a discussion of this act and the other events during the period 1782-1855.
60. Special Report from the Select Committee on the House of Commons Disqualification Bill. H.C. 349. Session 1955-56.
61. CJ (1693-97) 317.
62. Ibid. 331.
63. Erskine May, 19 ed. op. cit. p. 149. See for example, Freeman and Dalby Thomas, CJ (1697-99) 538; Quin, CJ (1714-18) 493; Vernon, CJ (1718-21) 547.
64. MARSHALL, Geoffrey, in WALKLAND S.A. (ed), op. cit. p. 228.
65. For a formal statement of this see: Report from the Committee of Privileges, H.C. 85 of Session 1943-44, concerning the case of Alderman Robinson and the National Union of Allied and Distributive Workers.
66. The case of Mr W.J. Brown (H.C. 118 of Session 1946-47) in which the Civil Service Clerical Association resolved to terminate his financial support because he no longer represented their views in Parliament.
67. CJ (1946-47) 310.
68. CJ (1660-67) 646, but see Ibid. 322 and CJ (1667-87) 86.
69. CJ (1830) 107.
70. CJ (1857-58) 247; see also Ibid. (1884) 167.
71. Parl. Debs. Vol. 151, cols. 176-209, Session 1858.
72. Parl. Debs. Vol. 20, cols. 1000-1012, Session 1811, 17 July 1811. See also Hatsell's Precedents, Vol. II, p. 169.
73. In the evidence to the 1969 Select Committee on Members' Interests (Declaration) the Clerk of the House of Commons clarified this point by referring to the Local Taxation, Customs and Excise Duties Bill, 1890, which granted compensation for public house licences which were to be extinguished. Three MPs voted in a division on that bill - all owners of public houses - but the Speaker ruled the motion to disallow their votes not in order because the compensation to be granted under the bill was not automatic but contingent on County Councils exercising permissive powers (Evidence. Q. 1).
74. Parl. Debs. Vol. XXIX, cols. 1679-1682, Session 1911, 14 August 1911.
75. H.C. Debs. Vol. 261, col. 192, Session 1931-32, 3 February 1932.
76. Parl Debs. Vol. XXIX, op. cit. cols 1681-2, where reference is made to Speaker Gully's ruling on the Local Government (Ireland) Bill that 'there must be a direct pecuniary interest of a private and particular and not of a public and general nature, and when the question before the House is of a public and general nature and incidentally involves the pecuniary interest to a class which includes Members of the House, they are not prevented by the rules of the House from voting'.

77. H.C. Debs. Vol. 431, cols. 1614-1616, Session 1946-47, 16 December 1946.
78. Parl. Debs. Vol. XXXIX, col. 877, Session 1896, 14 April 1896.
79. Report from The Select Committee on Members of Parliament (Personal Interest), H.C. 274 of 2 July 1896.
80. Ibid. p. iii.
81. Ibid. p. iv.
82. MCGILL, Barry, loc. cit. p.825-826.
83. CJ (1892) 98.
84. In evidence to the 1969 Select Committee on Members' Interests (Declaration) the Clerk of the House illustrated this point by confirming that a Member would not be disabled from voting on a private bill such as the Brighton Marina Bill just because he lived in Brighton (Evidence, Q. 6).
85. Erskine May, 19 ed. op. cit. ch. XVIII, at pp. 407-412. section E, 'Votes on Matters Affected by Personal Pecuniary Interest'. Also an annotated list of precedents, Speakers' rulings, etc. concerning both public and private matters prior to 1896 is provided by the (former) Clerk of the House as an Appendix to the 1896 Select Committee on Members' Personal Interest, op. cit. pp. 30-48.
86. Report of the Select Committee on Members' Interests (Declaration) 1969, op. cit. Examination of the Clerk of the House, Q. 9.
87. Report of the 1896 Select Committee on Members of Parliament (Personal Interest) op. cit. Q. 158.
88. Erskine May, 19 ed. op. cit. p. 411.
89. H.C. Debs. Vol. 261, col. 192, Session 1931-32, 3 February 1932.
90. H.C. Debs. Vol. 431, cols. 1614-1616, Session 1946-47, 16 December 1946.
91. WILLIAMS, O. Cyprian. The Historical Development of Private Bill Procedure, op. cit. Vol. 1, p. 30 and note 1.
92. For the history of this formula see: CLIFFORD F. History of Private Bill Legislation, op. cit. Vol. II, pp. 828-843; WILLIAMS, O.C. Ibid. Vol. II, pp. 139-141.
93. Now under Standing Order 120 (Private Business). See Erskine May 19 ed. op. cit. p. 962.
94. For example see CJ (1845) 386; Ibid. (1845) 904; ibid. (1892) 398; ibid. (1945-46) 277.
95. Report from the 1896 Select Committee on Members of Parliament (Personal Interest) op. cit. Q. 158.

96. For example, Parl. Debs. Vol. 76, cols. 467, 682, Session 1844; Parl. Debs. Vol. 298, cols. 342, 348, Session 1884-85.
97. Report from the 1969 Select Committee on Members' Interests (Declaration) op. cit. Q. 13.
98. H.C. Debs. Vol. 510, col. 2040, Session 1952-53, 5 February 1953.
99. H.C. Debs. Vol. 557, col. 358, Session 1955-56.
100. H.C. Debs. Vol. 712, col. 525, Session 1964-65.
101. H.C. Debs. Vol. 529, col. 588, Session 1953-54; ibid. Vol. 536, col. 415 Session 1954-55; ibid. Vol. 666, col. 968, Session 1962-63.
102. H.C. Debs. Vol. 779, col. 1563, Session 1968-69, 13 March 1969.
103. View expressed by the Leader of the House during debate on the motion to set up the Select Committee on Members' Interests (Declaration). H.C. Debs. Vol. 783, cols. 1556-1660, Session 1968-69, 14 May 1969, at col. 1558.
104. H.C. Debs. Vol. 510, col. 2040, Session 1952-53, 5 February 1953.
105. This distinction was pointed out in a personal minute by Prime Minister Attlee with regard to the inclusion of the Attorney General in the Committee's membership. PRO ref: Prem 8/629. Prime Minister's Personal Minute 26.10.1947.
106. Growing concern expressed at this sensitivity to outside comment and criticism stimulated the setting up of a Select Committee in 1967 to review the law and procedure of parliamentary privilege and to recommend whether any changes in the law of privilege or practice of the House were desirable. Report from the Select Committee on Parliamentary Privilege, H.C. 34, December 1967.
107. An annotated table of complaints referred to the Committee of Privileges since 1945 is appended to the Third Report from the Committee of Privileges, Session 1976-77, H.C. 417, Appendix C.
108. H.C. Debs. Vol. 365, cols. 829-831, Session 1939-40, 17 October 1940. See also Report of the Select Committee on the Conduct of a Member, H.C. 5 of Session 1940-41.
109. Special Report from the Select Committee on Marconi's Wireless Telegraph Company Limited Agreement, H.C. 351, 430, 515, 515-1. 28 October 1912, 14 January and 12 February 1913. For the Debate on the Majority Report see: H.C. Debs 5th series, Vol. LIV, S. 1913, 18 and 19 June 1913.
110. Report from the Select Committee on Conduct of Members, H.C. 490 of Session 1976-77, 13 July 1977.
111. For a discussion of these cases and the more general subject of tribunals see: KEETON, George W. Trial by Tribunal, London, Museum Press Ltd.; 1960.

112. For a discussion of the procedure by tribunal see the Royal Commission on Tribunals of Inquiry. Cmd. 3121 of November 1966.
113. Budget Disclosure Inquiry. Report of the Tribunal appointed under the Tribunals of Inquiry (Evidence) Act, 1921, May 1936, Cmd. 5184.
114. Report of the Tribunal appointed to inquire into allegations reflecting on the Official Conduct of Ministers of the Crown and other Public Servants, Cmd. 7616 of January 1949.
115. Erskine May, 19 ed. op. cit. ch. IX.
116. CJ (1880) pp. 77, 235.
117. In 1947 Mr G. Allighan MP was expelled from the House for corruptly accepting payment for the disclosure of information about matters to be proceeded with in Parliament obtained from other Members under the obligation of secrecy. H.C. Debs. Vol. 443, col. 1199, Session 1947-48, 30 October 1947.
118. CJ (1660-67) 690.
119. Memorandum appended to The Third Report from the Committee of Privileges, H.C. 417 of Session 1976-77. This Committee recommended that legislation should be introduced to reinstate the power of the House to impose fines.
120. These principles are discussed in the Canadian Green Paper on Conflict of Interests, 1973, op. cit. pp. 5-6.
121. Report of the 1969 Select Committee on Members' Interests (Declaration) op. cit. p. xiii, para 35.
122. JENNINGS, Sir W. Ivor. Cabinet Government, Cambridge University Press: 3rd ed. 1959, p. 8.
123. Note by the Secretary of the Cabinet, 22 October 1947. PRO ref: Prem 8/629 and Cab 129/22.
124. Report from the Select Committee on the Conduct of a Member, Session 1940-41, op. cit. Evidence, p. 160.
125. REDLICH, Joseph, op. cit. Vol. II, p. 128.

Chapter 4

1. H.C. Debs. Vol. 842, cols. 1203-1204, Session 1971-72, 4 August 1972.
2. Report of the Select Committee on Members' Interests (Declaration), H.C. 57, 4 December 1969, Session 1969-70. Hereafter referred to as the 1969 Select Committee.
3. Report of the Select Committee on Members of Parliament (Personal Interest), H.C. 274, 2 July 1896.
4. The Sunday Times, 5 May 1974.

5. H.C. Debs. Vol. 676, cols. 411-412, Session 1962-53, 25 April 1963.
6. NOEL-BAKER, Francis. 'The Grey Zone. The problem of business affiliations of Members of Parliament', Parliamentary Affairs, Vol. 15 (1961-62) pp. 87-93.
7. H.C. Debs. Vol. 642, cols. 1678-1680, Session 1960-61, 22 June 1961.
8. H.C. Debs. Vol. 643, cols. 173-174, Session 1960-61, 27 June 1961.
9. H.C. Debs. Vol. 676, cols, 411-412, Session 1962-63, 25 April 1963.
10. CHESTER, D.N. and BOWRING, Nona. Questions in Parliament, Oxford, Clarendon Press: 1962, p. 282.
11. Mr F. Noel-Baker (2), Rt. Hon. H. Wilson (2), Mr M. Edelman (1), Mr A. Lewis (6), Mr W. Hamilton (9), Mr W. Hamling (1), Mr A. Morris (1), Mr W. Price (1), Mr E. Brooks (1), Mr E. Milne (1).
12. Cassell's Parliamentary Directory, ed. Malcolm Hulke, London, Cassell: 1974.
13. H.C. Debs. Vol. 713, col. 44, Session 1964-65, 25 May 1965.
H.C. Debs. Vol. 715, cols. 11-12, Session 1964-65, 28 June 1965.
H.C. Debs. Vol. 715, col. 121, Session 1964-65, 1 July 1965.
H.C. Debs. Vol. 715, cols. 307-8, Session 1964-65, 8 July 1965.
H.C. Debs. Vol. 798, cols. 369-70, Session 1969-70, 24 March 1970.
He also asked a question on political honours - H.C. Debs. Vol. 697, col. 53, Session 1963-64, 23 June 1964.
14. H.C. Debs. Vol. 716, cols. 271-4, Session 1964-65, 13 July 1965.
H.C. Debs. Vol. 770, col. 101, Session 1967-68, 15 October 1968.
H.C. Debs. Vol. 779, cols. 209-10, Session 1968-69, 4 March 1969.
H.C. Debs. Vol. 781, cols. 228-30, Session 1968-69, 1 April 1969.
H.C. Debs. Vol. 791, col. 407, Session 1969-70, 12 November 1969.
15. H.C. Debs. Vol. 781, cols. 483-4, Session 1968-69, 2 April 1969.
16. H.C. Debs. Vol. 733, cols. 679-80, Session 1966-67, 4 August 1966.
17. See for example:
H.C. Debs. Vol. 676, cols. 411-412, Session 1962-63, 25 April 1963.
H.C. Debs. Vol. 699, col. 266, Session 1963-64, 21 July 1964.
H.C. Debs. Vol. 716, cols. 271-4, Session 1964-65, 13 July 1965.
H.C. Debs. Vol. 767, cols. 1689-90, Session 1967-68, 4 July 1968.
18. Mr Risdale, Sir G. Nicholson, Sir R. Cary, Sir G. Nabarro, Sir Derek Walker-Smith.
19. H.C. Debs. Vol. 733, cols. 679-80, Session 1966-67, 4 August 1966.
20. ibid. col. 680.
21. H.C. Debs. Vol. 767, cols. 1689-1690, Session 1967-68, 4 July 1968.
H.C. Debs. Vol. 779, cols. 209-10, Session 1968-69, 4 March 1969.

22. His actual words were: 'There is this difference. This House is a legislature, whereas the members of a local authority are an executive as well as, in certain cases, a legislature.' H.C. Debs. Vol. 767, col. 1690, Session 1967-68, 4 July 1968.
23. The EDMs concerning a register of Members' interests attracted 17 and 21 signatures respectively, with considerable overlap of signatories between the two. The third EDM attracted no other support apart from the sponsor. EDM 201, Session 1968-69, 10 March 1969, EDM 202, Session 1968-69, 10 March 1969, EDM 219, Session 1968-69, 17 March 1969.
24. Mrs Winnifred Ewing, SNP.
25. H.C. Debs. Vol. 746, cols. 1415-1422, Session 1966-67, 10 May 1967.
26. The Bill did not pass, and as Mr Hamilton confirmed when interviewed, like most ten minute rule bills it was introduced to publicise the campaign rather than in the belief that it would become law.
27. Anticipating the demise of the Private Members' Bill, the Liberal Party felt that a register could be established without an Act of Parliament. Consequently, in June 1967, they established a voluntary open register of Liberal MPs' interests, subject to revision every six months.
28. H.C. Debs. Vol. 746, col. 1416, Session 1966-67, 10 May 1967.
29. ibid. col. 1418.
30. ibid. col. 1420.
31. ibid. col. 1421.
32. Mr Warbey raised as a possible breach of privilege and possibly a wider contempt of Parliament certain articles appearing in the Spectator, which he insisted contained the innuendo that because he had received hospitality from the Communist front in Vietnam he was no longer an independent agent but 'a bribed spokesman of a foreign organisation'. See: H.C. Debs. Vol. 707, col. 42, Session 1964-65, 22 February 1965; ibid. cols. 240-2; H.C. Debs. Vol. 709, cols. 576-642, Session 1964-65, 24 March 1965.
33. H.C. Debs. Vol. 715, cols. 1134, 1349-68, Session 1964-65, 5 July 1965.
34. Report of the Select Committee of Privileges, H.C. 269, S. 1964-65, July 1965.
35. H.C. Debs. Vol. 770, col. 101, Session 1967-68, 15 September 1968.
36. H.C. Debs. Vol. 780, cols. 1630-9, Session 1968-69, 26 March 1969. Statement by the Prime Minister.
37. ibid. col. 1632.
38. ibid. col. 1632.
39. ibid. col. 1634.

40. Report of a Top Salaries Review Body. First Report: Ministers of the Crown and Members of Parliament, Cmnd. 4836, S. 1970-71, December 1971, Chairman, Lord Boyle.
41. H.C. Debs. Vol. 780, op. cit. col. 1638.
42. The Sunday Telegraph, 14 May 1961.
43. NOEL-BAKER, Francis, loc. cit.
44. HAMILTON, William M.P. 'Members and Outside Interests', The Parliamentarian, Vol. 56-57 (1975-76) pp. 227-231.
45. FINER, S.E. Anonymous Empire. A study of the Lobby in Great Britain, London, Pall Mall Press: 1958, 2nd edition 1964, Rev. ed. 1969.
46. RICHARDS, P.G. Honourable Members, London, Faber & Faber Ltd: 1959, 2nd ed. 1964. Also, The Backbenchers, London, Faber & Faber Ltd: 1972, particularly ch. 9, 'Members and their interests'.
47. ROTH, Andrew. The Business Background of M.Ps., London, Parliamentary Profiles Services Ltd: 1963 ed. p. xxviii.
48. The Times, 8 May 1967, Editorial.
49. The Times, 7 March 1969, Editorial.
50. The Sunday Telegraph, 4 August 1968.
51. The Sunday Times, 6 October 1968.
52. ibid.
53. Bagier had previously met Fraser through his interest in working men's clubs and gambling machines.
54. The Sunday Times, 6 October 1968. 'Insight'. The Sunday Telegraph, 6 October 1968.
55. The Sunday Telegraph, 6 October 1968.
56. The Times, 29 September 1968.
57. See Appendix XX of the Report of the Select Committee on Members' Interests (Declaration) 1969, op. cit.
58. Renamed the Independent Broadcasting Authority under the Sound Broadcasting Act of 1972.
59. Transmitted on March 6 1969 and produced by Philip Whitehead who is now a Labour MP himself.
60. The Times, 7 March 1969.
61. ibid.
62. ROURKE, Francis E. 'The United States', in GALNOR, Itzhak (ed) Government and Secrecy in Democracies, New York, University Press: 1977 ch. 7, pp. 113-128 at p. 113.

63. CROSSMAN, Richard. The Diaries of a Cabinet Minister. Vol. Three, London, Hamish Hamilton and Jonathan Cape: 1977, pp. 405-406 and 410.
64. ibid. p. 406.
65. ibid. p. 410.
66. Report of the Select Committee on Members' Interests (Declaration) 1969 op. cit. para. 55.
67. H.C. Debs. Vol. 783, cols. 1556-1660, Session 1968-69, 14 May 1969. Motion to set up a Select Committee.
68. Ibid. col. 1558.
69. Ibid. col. 1558.
70. Ibid. col. 1584.
71. Ibid. col. 1585.
72. Sponsor of one of the two EDM's tabled during this period expressing a wish for a register of Members' interests. EDM 202, Session 1968-69, 10 March 1969.
73. H.C. Debs. Vol. 783, Session 1968-69, op. cit. col. 1561.
74. Ibid. col. 1561.
75. Ibid. col. 1561.
76. Ibid. col. 1566.
77. Ibid. col. 1567.
78. Ibid. col. 1578.
79. Ibid. col. 1579.
80. Ibid. col. 1583.
81. There is, of course, a longstanding suspicion on the part of back-benchers about the role of the Whips in nominating select committee members, viz. the controversy over membership of the 12 new select committees established in 1979.
82. H.C. Debs. Vol. 783, Session 1968-69, op. cit. col. 1592.
83. Ibid. col. 1596.
84. Ibid. col. 1598.
85. Ibid. col. 1600.
86. RHODES, Gerald. Committees of Inquiry, London, George Allen & Unwin: 1975, p. 77.

87. For example, RHODES, Gerald. op. cit.;; WHEARE, K.C. Government by Committee, Oxford, Clarendon Press: 1955. JOHNSON, Nevil, Parliament and Administration, Allen & Unwin: 1966; ROBINSON, Ann, Parliament and Public Spending, Heinemann: 1978.
88. The shortest time being 14 years (Rt. hon. J. Ramsden) and the longest (inevitably distorting the average) being the 40 years served by Rt. hon. G.R. Strauss, who in 1974 became Father of the House.
89. WHEARE, D.C. op. cit. p. 38.
90. Ibid. p.39.
91. Ibid. p. 41.
92. Lubbock also pointed out that the probable reason why Sir Eric Fletcher supported his amendment was that as Chairman of Ways and Means and Deputy Speaker during 1966-68 he was unlikely to have any outside interests to motivate him against morning sittings; the pension of the Speaker and Deputy Speaker existing largely to deflect individuals from taking up outside interests on leaving office.
93. Report of the Select Committee on Members' Interests (Declaration) 1969, op. cit.
94. Ibid. para. 3.
95. Ibid. Evidence, Q. 124.
96. Ibid. Appendix viii, E.J. Milne, MP.
97. See particularly Leader of the House (Peart), Ibid. Evidence, p. 22, para. 2; Opposition Chief Whip (Whitelaw), Ibid. Evidence, p. 37, para 4 and Qs 209 and 283; Leader of the Liberal Party (Thorpe), Ibid. Evidence, Qs 430 and 502.
98. Ibid. Report, para 9.
99. Report of the Select Committee on the House of Commons Disqualification Bill, H.C. 349, 9 July 1956.
100. Report of the Select Committee on Members' Interests (Declaration), 1969, op. cit. para 32.
101. Ibid. Evidence, p. 22, para. 7, and Qs 97-100, 153.
102. Ibid. Evidence, p. 103.
103. Ibid. Evidence, p. 75.
104. Memorandum by Hamilton, ibid. Evidence, pp. 91-92; Memorandum by Roth, ibid. Evidence, pp. 102-103.
105. Ibid. Evidence, Q. 474.

106. Ibid. Evidence, Q. 112.
107. Ibid. Report, para. 55.
108. The Committee considered the Liberal Party Register but accepted that the Liberal Party themselves described this as a 'pilot' project and not complete or appropriate as a model for the House. ibid. Evidence, Qs 415 and 456.
109. Ibid. Report, para. 64, also Evidence, Q. 221.
110. The Committee collected information on the Rules and Practices regarding Members' interests of the French National Assembly (Appendix XX1), the Canadian Parliament (Appendix XXII), The Swedish Parliament (Appendix XXIII) and the Congress of the United States (Appendix XXIV).
111. Ibid. Report, para. 74.
112. Ibid. Report, para. 78.
113. Ibid. Report, para. 85.
114. Ibid. Report, para. 86.
115. Ibid. Report, para. 103.
116. Ibid. Report, para. 107.
117. Ibid. Report, para. 110.
118. Ibid. Report, para. 115.
119. Ibid. Report, para. 117.
120. Ibid. Proceedings of the Select Committee, p. xxxix.
121. Witnesses examined were: Sir Barnett Cocks, K.C.B., O.B.E., Rt. hon. Frederick Peart, M.P.; Rt. hon. William Whitelaw, M.C., M.P.; Mr Herbert Lloyd, Mr John Crisford, Mr James Derriman and Mr Colin Mann (Officers of the Institute of Public Relations); Rt. hon. Jeremy Thorpe, M.P. and Dr. M.P. Winstanley, M.P.; Mr William Hamilton, M.P.; Mr Andrew Roth
122. Report of the Select Committee on Members' Interests (Declaration) 1969 op. cit. Evidence, p. 37, para 4.
123. Ibid. Evidence, Q.142.
124. Ibid. Evidence, Q.538.
125. Ibid. Evidence, Q.541.
126. The Sunday Times, 21 December 1969.
127. The Financial Times, 22 December 1969.

128. The Sunday Telegraph, 21 December 1969.
129. The Times, 18 December 1969.
130. The Guardian, 18 December 1969.
131. The Sunday Times, 21 December 1969.
132. H.C. Debs. Vol. 795, col. 341, Session 1969-70, 11 February 1970.

Chapter 5

1. H.C. Debs. Vol. 874, col. 393, Session 1974, 22 May 1974.
2. Figures derived from Keesings Contemporary Archives, 1970-71, p. 24037.
3. Source: The Times, 31 July 1970. Richard Spiegelberg looks at the business profile of the new Parliament.
4. However, a large number of these Conservative MPs became Members of the New Government and in doing so, according to Ministerial rules, had to give up their business interests.
5. The Times, 31 July 1970.
6. Sir Harmar Nicholls (Cons) who, in a supplementary Question, drew attention to the impropriety of Mr Hamilton's (Lab) attitude.
H.C. Debs. Vol. 805, cols. 214-5, Session 1970-71, 28 October 1970.
7. H.C. Debs. Vol. 803, col. 95, Session 1970-71, 9 July 1970.
8. H.C. Debs. Vol. 805, cols. 214-5, Session 1970-71, 28 October 1970.
9. Ibid.
10. ROTH, Andrew. The Business Background of MPs, London, Parliamentary Profiles Services Ltd: 1972 edition, p. 18.
11. Report of the Select Committee on Members' Interests (Declaration) H.C. 57, Session 1969-70, 4 December 1969, p. 37, para. 4.
12. H.C. Debs. Vol. 811, cols. 521-2, Session 1970, 10 February 1971.
13. H.C. Debs. Vol. 812, col. 1703, Session 1970-71, 3 March 1971.
14. Report of the Select Committee on Members' Interests (Declaration), 1969, *op. cit.*, Evidence, particularly p. 36, para. 1: 'I believe that the present rules of the House as regards voting and the convention concerning Members declaring their interest when speaking in a debate are satisfactory and should be left as they are'.
15. H.C. Debs. Vol. 812, col. 1704, Session 1970-71, 3 March 1971.
16. Review Body on Top Salaries. First Report: Ministers of the Crown and Members of Parliament. Chairman: The Rt. Hon. Lord Boyle of Handsworth. Cmnd. 4836 of December 1971.

17. See Chapter 3.
18. The Lawrence Committee in 1964 considered the question but preferred not to express any opinion. Report of the Committee on the Remuneration of Ministers and Members of Parliament. Chairman: Sir Geoffrey Lawrence. Cmd. 2516 of November 1964.
19. Review Body on Top Salaries. First Report, 1971, op. cit. Appendix A.
20. Ibid., pp. 3-4, para. 10.
21. Ibid., p. 9, para. 25.
22. Ibid., p. 13, para. 36.
23. H.C. Debs. Vol. 827, cols. 949-956, Session 1971-72, 6 December 1971.
24. Ibid., col. 951.
25. Ibid., col. 954.
26. H.C. Debs. Vol. 829, col. 182, Session 1971-72, 19 January 1972; Vol. 829, col. 525, Session 1971-72, 28 January 1972.
27. For a general commentary on Poulson see for example: THOMKINSON, Martin. Guide to the Poulson Case: Private Eye Extra, London, Pressdram Ltd: 1973; MILNE, Edward. No Shining Armour, London, John Calder Ltd: 1976. The Salmon Commission (Cmd. 6524 of 1976) also provides a useful summary of the case.
28. THOMKINSON, Martin. op. cit.
29. 'John Poulson: notice of expulsion' in Royal Institute of British Architects Journal, No. 80 (February 1973) pp. 63-65.
30. Former Under Secretary in charge of Agriculture at the Scottish Office. Seconded in 1959 to assist (Lord) Hugh Fraser with the Aviemore Centre in the Scottish Highlands. Acted as liaison officer between the developers and the Government.
31. In evidence to the Salmon Commission the Attorney General stated that: 'A substantial part of the Poulson investigation has been taken up with investigating allegations against Members of Parliament'. PRO Ref. HO. 241/9. Although no MPs were prosecuted - MPs are not covered by the criminal law in respect of corruption and bribery in their capacity as MPs - a select committee was eventually set up in November 1976 to inquire into the conduct of Members in connection with the affairs of Poulson.
32. FITZWALTER, Ray. 'Breaking the Poulson Story', New Statesman, 4 May 1973, p. 652-3. Mr Fitzwalter, the journalist involved in breaking the story, was interviewed by this researcher in 1976 for an undergraduate dissertation entitled 'Political Corruption in Britain: A critique and an alternative analysis'.

33. Mr Poulson's connection with the Maudling family had already been gone into by Private Eye, but did not receive wider circulation until the Poulson scandal broke with the commencement of the bankruptcy proceedings. Private Eye had also made much of Mr Maudling's previous involvement with an off-shore trust, Real Estate of America.
34. The 3 MPs named were the late Sir Herbert Butcher (Nat. Lib), Mr John Cordle (Cons) and Mr Albert Roberts (Lab). During the course of the bankruptcy hearings the name of Mr Anthony Crosland (Lab) was also mentioned in connection with the acceptance of a silver coffee pot from Poulson, alleged to be worth £500. He announced he would send the pot to the Official Receiver in Bankruptcy, The Times, 19 March 1973.
35. EDM 407, Session 1971-72, 5 July 1972.
36. H.C. Debs. Vol. 840, col. 756, Session 1971-72, 6 July 1972.
37. Mr M. Edelman (Lab) 3, Mr J. Grant (Lab) 1, Mr A. Lewis (Lab) 10, Mr G. Cunningham (Lab) 2, Mr C. Davies (Lab) 1, Mr M. Lipton (Lab) 1, Mr W. Hamilton (Lab) 1, Mr D. Steel (Lib) 1, Mr M. Havers (Cons) 1.
38. EDM 410, Session 1971-72, 6 July 1972.
39. H.C. Debs. Vol. 840, cols. 1854-6, Session 1971-72, 13 July 1972.
40. Ibid. In a speech in Shildon (County Durham) on 20 July 1973 Mr Wilson then Leader of the Opposition, called for the appointment of a Royal Commission to inquire into allegations of corruption in public life. Keesing's Contemporary Archives, Vol. 1973-74, p. 26584.
41. H.C. Debs. Vol. 841, cols. 402-408, Session 1971-72, 18 July 1972.
42. Ibid. col. 402. On 2 October 1973, he did, however, appoint a committee to consider the rules of conduct applying to Members and officers in local government. This committee was not concerned with investigating past events or specific allegations of misconduct such as the Poulson affair. See: Report of the Prime Minister's Committee on Local Government Rules of Conduct, Cmnd. 5636 of 23 May 1974, Session 1974.
43. Ibid. col. 403.
44. Government motions on parliamentary expenses were withdrawn at the last moment because the Government saw that wrecking amendments by Hamilton and his allies would prevent the motions going through 'on the nod'. Hamilton then used the collapse of business before 4 p.m. to raise the same matters on the adjournment.
45. H.C. Debs. Vol. 842, cols. 1176-1222, Session 1971-72, 4 August 1972.
46. Ibid. cols. 1188-1190.
47. Then Parliamentary Secretary to the Civil Service Department.
48. EDM 151, Session 1972-73, 31 January 1973.

49. H.C. Debs. Vol. 857, cols. 1494-5, Session 1972-73, 13 July 1973. The Second reading of the Bill was deferred from 20 July to 24 July and did not take place before the Summer recess. The co-sponsors were: Mr Thomas Cox, Mr A. Stallard, Mr John Grant, Mr Barry Jones, Mr Philip Whitehead, Mr William Price, Mr J. Wellbeloved, Mr Joseph Harper, Mr Leslie Huckfield.
50. H.C. Debs. Vol. 849, col. 1622, Session 1972-73, 1 February 1973.
51. H.C. Debs. Vol. 854, col. 27, Session 1972-73, 2 April 1973.
52. H.C. Debs. Vol. 854, col. 27, Session 1972-73, 2 April 1973.
H.C. Debs. Vol. 858, col. 1132, Session 1972-73, 25 June 1973.
53. H.C. Debs. Vol. 858, col. 1132, Session 1972-73, 25 June 1973.
54. H.C. Debs. Vol. 849, col. 1622, Session 1972-73, 1 February 1973.
55. This traditional concern in the Labour Movement that their opponents were in Parliament because it furthered their interests had been epitomised by Simon Haxey in, Tory M.P., London, Victor Gollancz Ltd: 1939.
56. When interviewed Mr J. Ashton (Lab) revealed that in 1972, on the night of the recess, he and Mr P. Whitehead (Lab) had collected 67 signatures from Labour MPs demanding the Shadow Cabinet set up a committee of the Labour party to draw up proposals for a register.
57. Information about the Parliamentary Labour Party Sub-Committee on Members' outside interests was obtained from the Assistant Secretary of the Parliamentary Labour Party.
58. The Guardian, 10 May 1973, records that only about 50 MPs attended the meeting.
59. Information about the proposals for a register and the code was obtained from the Labour Party Information Unit.
60. The Guardian, 11 May 1973.
61. Only one Member voted against the code. Ibid.
62. It should be remembered that the Chairman of the 1969 Select Committee which had found against a register was Mr G. Strauss, a Labour Member, who had since confirmed his antipathy to a register.
63. A Member of the Younger Committee on Privacy; Its Report is, Cmnd. 5012 of July 1972.
64. The Times, 19 March 1973.
65. Ibid.
66. The Financial Times, 29 June 1973.

67. This affair involved disclosure of payments of Lonrho's funds by the Company's chief executive 'Tiny' Rowland, as gifts, rewards and inducements in connection with the group's overseas business (mainly in Africa). It was revealed in 1971 that Rowland had personally appointed a Conservative MP, Rt. hon. Duncan Sandys as consultant to the company on a fee paying basis. This consultancy was kept secret, and on learning that it had not been sanctioned by the Board of Directors of Lonrho, Duncan Sandys gave up his contract and returned the fee. As a result of these disclosures Mr E. Heath made his speech in the House about 'the unpleasant and unacceptable face of capitalism'. H.C. Debs. Vol. 856, col. 1243, Session 1972-73 15 May 1973.
68. The Daily Telegraph, 30 June 1973.
69. Key informants contacted at Whitehall (Cabinet Office) requested to remain anonymous. They had acted as political advisors to past leaders of the House.
70. H.C. Debs. Vol. 854, col. 27, Session 1972-73, 2 April 1973.
71. Mr Poulson and Mr Pottinger were convicted on 11 February 1974 of various offences under the prevention of corruption acts. Other prosecutions for corruption followed.
72. The Guardian, 18 April 1974.
73. H.C. Debs. Vol. 870, cols. 662-4, Session 1974, 18 March 1974.
74. When interviewed Mr Short recalled that when, as Leader of the House, he had taken over the inter-party talks in 1974, there was little Conservative inheritance in terms of progress made on this issue.
75. H.C. Debs. Vol. 870, col. 664, Session 1974, 18 March 1974.
76. H.C. Debs. Vol. 872, cols. 770-780, Session 1974, 29 April 1974. See Report from the Royal Commission on Standards of Conduct in Public Life, Cmnd. 6524 of 15 July 1976, Session 1975-76, hereafter referred to as the Salmon Commission. Also see note 40.
77. The Guardian, 23 April 1974.
78. H.C. Debs. Vol. 872, col. 777, Session 1974, 29 April 1974.
79. Ibid. col. 779.
80. Ibid. col. 780.
81. H.C. Debs. Vol. 872, col. 1333, Session 1974, 2 May 1974.
82. The Financial Times, 2 May 1974.
83. EDM 87, Session 1974, 2 May 1974. The signatories, other than Labour Members, were Dr. Keith Hampson (Cons), Mr Russell Johnston (Lib) and Mr Dafydd Elis Thomas (P.C).
84. H.C. Debs. Vol. 872, cols. 783-6, Session 1974, 29 April 1974.

85. H.C. Debs. Vol. 872, cols. 950-54, Session 1974, 30 April 1974.
86. See NORTON, Philip. Dissension in the House of Commons 1974-1979, Oxford, Clarendon Press: 1980, pp. 5-6.
87. For an account of Mr Short's connection with Mr T. Dan Smith see: Report from the Select Committee on Conduct of Members, H.C. 490, Session 1976-77, p. viii-ix, paras. 9-11. See also: MILNE, Edward. op. cit. pp. 173-177.
88. When interviewed Mr Ashton said that he withdrew the allegations not because they were unfounded but because another general election was imminent and he did not want to fight this on the Poulson issue. Additionally, one of his aims had been to establish a register and by the time of his withdrawal this had been agreed in principle by the House.
89. First Report from the Committee of Privileges, H.C. 228 of Session 1974.
90. Report from the Prime Minister's Committee on Local Government Rules of Conduct, 1974, op. cit., p. 14-15, paras. 57 and 58.
91. The Guardian, 13 May 1974.
92. Information on procedure at the Parliamentary Labour Party Meeting on 15 May 1974 was obtained from the Assistant Secretary of the Parliamentary Labour Party.
93. EDM 128, Session 1974, 16 May 1974.
94. H.C. Debs. Vol. 874, cols. 391-544, Session 1974, 22 May 1974, at cols. 391-392.
95. Order Paper: 22 May 1974, No. 45, pp. 2198-2200.
96. H.C. Debs. Vol. 874, col. 393, Session 1974, 22 May 1974.
97. Ibid. col. 393.
98. Ibid. col. 393.
99. Ibid. col. 395-396.
100. Ibid. col. 397.
101. Ibid. col. 398-399.
102. Ibid. col. 405.
103. Ibid. col. 411.
104. Ibid. col. 414.
105. Ibid. col. 416.
106. Ibid. col. 421.

107. H.C. Debs. Vol. 874, cols. 194-198, Session 1974, 21 May 1974.
108. H.C. Debs. Vol. 874, cols. 426-7, Session 1974, 22 May 1974.
109. For example, Ibid. cols. 434, 457, 476-7, 483-4.
110. Ibid. col. 486.
111. Ibid. col. 501.
112. Ibid. col. 430.
113. EDM 128, Session 1974, 16 May 1974.
114. H.C. Debs. Vol. 874, col. 440, Session 1974, 22 May 1974.
115. Ibid. col. 450.
116. Ibid. col. 456.
117. Ibid. cols. 450-1
118. Ibid. col. 528.
119. Ibid. cols. 519-520.
120. Ibid. col. 483.
121. Ibid. col. 478.
122. Ibid. col. 534.
123. Ibid. col. 468.
124. The view that free votes are not expressions of raw opinion but are modified by subtle pressures in any social context is advanced by Hugh BERRINGTON in Backbench Opinion in the House of Commons 1945-55, Oxford, Pergamon Press: 1973, p. 16.

Chapter 6

1. H.C. Debs. Vol. 874, col. 399, Session 1974, 22 May 1974.
2. Labour: Mr R. Cant, Mr A. Davidson, Mr S. Irving, Mr W.H. Johnson, Mr S. Mahon, Mr A. Palmer, Mr F. Willey. Conservative: Mr N. Edwards, Mr A. Hall-Davis, Sir M. Havers, Mr I. MacArthur, Mr J. Prior, Mr A. Maude, Liberal: Dr. M. Winstanley. In June 1974 both Mr Prior and Mr Johnson were discharged and Mr C. Onslow (Cons) and Mr N. Spearing (Lab) correspondingly added.
3. Labour Party Manifesto, October 1974, p. 24.
4. Of the 6 Conservative Members appointed, 5 had previously shown their antipathy towards compulsory registration by voting against the motion to establish the Register.

5. The Report of the Select Committee on Members' Interests (Declaration), H.C. 102, Session 1974-75, 12 December 1974.
6. Ibid. para. 7.
7. Ibid. Evidence, Q. 85; Evidence, Memorandum, p. 4, para. 11.
8. Ibid. p. vii, para. 11.
9. Ibid. pp. vi, vii, paras 9 and 10.
10. Ibid. p. vii, para. 10.
11. Ibid. p. vii, para. 10.
12. WINNIFRITH, C.B. Evidenced both during interview and in the following article: 'Members' Interests', The Table, vol. XLIII (1975) pp. 30-35, at p. 32.
13. Report of the Select Committee on Members' Interests (Declaration), 1974/1975, op. cit. pp. vii-viii, para. 13
14. Ibid. p. ix, paras. 19, 20, 21.
15. Ibid. p. x, paras. 28 and 30.
16. Ibid. p. xi, para. 84, Also Evidence, p.2.
17. See Appendix 5, Fig. 3, for a copy of the form and letter sent to Members by the Registrar of Members' Interests.
18. The government ethics Bill (S555 - PL 95-521) signed into law by President Carter October 26, 1978 requires all Members, their principal assistants, congressional officers and employees paid at the GS - 16 salary level or higher, and any candidate for congressional office to file annual public financial disclosure reports. It provides that the designated committees in the House and Senate should review all reports to see if they were properly and completely filed and requires the committees to notify any reporting individual who did not file an accurate report and give the individual an opportunity to correct it. It also provided for civil penalties of up to \$5,000 against any persons who knowingly and willfully filed a false report or failed to file a report. Congressional Quarterly Almanac, Vol. XXXIV (1978) pp. 835-850.
19. Report of the Select Committee on Members' Interests (Declaration) 1974/1975, op. cit. Evidence, p. 3.
20. Report from the Prime Minister's Committee on Local Government Rules of Conduct, Cmnd. 5636 of 23 May 1974, Session 1974.
21. Report of the Select Committee on Members' Interests (Declaration) 1974/1975. op. cit., pp. xii and xiii, paras 39 and 41.
22. Ibid. p. xiii, para. 40.
23. Ibid. p. xiii, para. 41.

24. Ibid. p. xiv, paras. 45 and 46.
25. Ibid. p. xiv, para. 47.
26. Ibid. pp. xv, xvi, paras. 50-55.
27. Although a Speaker's Conference has frequently been promised, it has not so far dealt with this issue. The Clerk to the Committee concludes that a formidable array of problems await this Conference so it must be doubtful that this recommendation will be put into effect, WINNIFRITH, C.B., loc. cit. 1975, p. 35.
28. WILLEY, Rt. Hon. F.T., 'The Declaration and Registration of Members' Interests', The Parliamentarian, Vol. 56-57 (1975-76) p. 170. The Report was in fact debated in the House on 12 June 1975, not 11 June.
29. H.C. Debs. Vol. 882, col. 326, Session 1974-75, 2 December 1974, and H.C. Debs. Vol. 885, cols. 24-25, Session 1974-75, 27 January 1975 respectively.
30. H.C. Debs. Vol. 887, cols. 1036-7, Session 1974-75, 3 March 1975.
31. H.C. Debs. Vol. 893, cols. 735-804, Session 1974-75, 12 June 1975.
32. Ibid. col. 735.
33. Ibid. col. 735.
34. Ibid. col. 736.
35. Ibid. cols. 737-738.
36. Ibid. col. 738.
37. Ibid. cols. 738-740.
38. In 1973/74 Mr Powell had been a Member of the Conservative Party only by reason of being a Conservative MP and had not made payment to the Association. In February 1974 when Parliament dissolved he ceased to be a Member of the Conservative Party. He said, when interviewed, that there was no connection between not standing as a Conservative MP in February 1974 and then becoming a Unionist MP at the October 1974 election.
39. H.C. Debs. Vol. 893, col. 741, Session 1974-75, 12 June 1975.
40. Ibid. cols. 742-744.
41. Ibid. col. 744.
42. Ibid. col. 745.
43. Ibid. col. 745.
44. Ibid. col. 781.
45. Ibid. col. 748.

46. Ibid. cols. 771-776 and 798. (This complaint was eventually considered by the Select Committee on Members' Interests who recommended that 'Any Member who sponsors a function in the Palace of Westminster from which sponsorship he receives a taxable benefit, should declare the source of the benefit').
47. Ibid. col. 785.
48. Ibid. cols. 761-2.
49. eg. Ibid. cols. 753,777-8, 794.
50. Ibid. col. 796.
51. Ibid. col. 800.
52. The 3 Members who voted against the Select Committee Report were Mr Alex Lyon (Lab), Rt. Hon. J. Enoch Powell (U.U.U.C.) and Mr James Molyneux (U.U.U.).
53. The other two Members voting in the 'yes' lobby were Conservative Members, Mr T. Rathbone and Mr D. Knox.
54. H.C. Debs. Vol. 897, col. 424, Session 1974-75, 7 August 1975.
55. H.C. Debs. Vol. 899, col. 526, Session 1974-75, 10 November 1975.
56. H.C. Debs. Vol. 897, col. 324, Session 1974-75, 7 August 1975; ibid., Vol. 897, col. 561, Session 1974-75, 13 October 1975; ibid. Vol. 901, col. 95, Session 1975-76, 25 November 1975.
57. Second Report from the Select Committee on Members' Interests (Declaration), H.C. 677, Session 1974-75, 11 November 1975, pp. 3-4, para. 5.
58. Ibid., p.4., para. 6 Although it is after the cut-off point for this study, the Committee in their First Report 14 January 1980, para. 4 stated:
Financial Sponsorship.
"The receipt of a gift in relation to a Member's Parliamentary duties, other than from overseas (to which category 7 applies) should be registered under the sub-section (b) of Category 5, Financial Sponsorships.
59. Ibid., p. 4, para. 7.
60. Ibid., p. 4, para. 8.
61. Ibid., p. 3, para. 4.
62. Register of Members' Interests as on 1st November 1975, Edition No. 1, H.C. 699, Session 1975-76, 12 November 1975.
63. Ibid., p. iii, para 7.
64. The interest deriving from authorship gained topicality in 1978 with the passage of the Public Lending Right Bill, which was enacted in March 1979. During the second reading of this Bill Michael English (Lab) asked Mr Speaker for an explanation of the position regarding personal financial interests in relation to the Bill. H.C. Debs. Vol. 957, col. 1360-61, 10 November 1978.

65. See Chapter 1, Footnotes 37-41 inclusive.
66. Quoted in The Sunday Times, 30.11.1975.
67. Register of Members' Interests as on 26 May 1976, H.C. 284, Session 1975-76, 27 May 1976.
68. Report from the Select Committee on Members' Interests, H.C. 479, Session 1975-76, 26 May 1976.
69. Ibid, p. 7.
70. Ibid, p. 7.
71. Ibid, Appendix II, p. 6.
72. John Wilkes (1727-1797) MP for Aylesbury and subsequently Middlesex. Vindicated the right of electorate to return the candidate of their choice to House of Commons.
73. Rt. Hon. Michael Foot took over from Rt. Hon. Edward Short as Leader of the House on 8 April 1976.
74. H.C. Debs. Vol. 914, col. 24, Session 1975-76, 28 June 1976.
75. Rt. Hon. Harold Wilson had resigned from being Prime Minister on 16 March 1976.
76. The measures to be 'guillotined' were the Aircraft and Shipbuilding Industries Bill, Dock Work Regulation Bill, Education Bill, National Health Services Bill and Rent (Agriculture) Bill.
77. Report from the Royal Commission on Standards of Conduct in Public Life, Cmnd. 6524 of Session 1976-77, July 1976.
78. H.C. Debs. Vol. 918, cols. 971-1108, Session 1975-76, 1 November 1976. Mr Callaghan had announced his intention of setting up such a Select Committee on 21.10.1976, H.C. Debs. Vol. 917, col. 1658, Session 1975-76.
79. H.C. Debs. Vol. 917, col. 361, Session 1975-76, 19 October 1976.
80. Quoted in The Guardian, 30.10.1976.
81. Report from the Select Committee on Conduct of Members, H.C. 490, Session 1976-77, 13 July 1977.
82. H.C. Debs. Vol. 935, col. 2047, Session 1976-77, 22 July 1977.
83. H.C. Debs. Vol. 936, cols. 332-462, Session 1976-77, 26 July 1977.
84. BOULTON, C.J. 'Conduct of Members', The Table, Vol. XLVI (1978) pp. 28-31.
85. Special Report from the Select Committee on Members' Interests, H.C. 84, Session 1976-77, 21 December 1976, para. 3.

86. H.C. Debs. Vol. 936, cols. 996-998, Session 1976-77, 28 July 1977.
87. Although not debated in the House of Commons the Report from the Royal Commission on Standards of Conduct in Public Life was debated in the House of Lords on 8 December 1976. Parl. Debs. Lords Fifth Series: Vol. 378, cols. 585-671, Session 1976-77.
88. Report from the Royal Commission on Standards of Conduct in Public Life, July 1976, op. cit. p. 99, para. 311.
89. H.C. Debs. Vol. 936, col. 1037, Session 1976-77, 28 July 1977.
90. Recorded in Tribune July 13, 1979, and expressed during conversation with the author of this study.
91. The Registrar, Mr Lankaster, explained that when Parliament was dissolved there were no current Members and hence no current Register. He had no authority to permit the, now, former Register to be inspected and therefore allowed no public inspection and withdrew the Library copy from the time of dissolution. When the Committee first met in the new Parliament they authorised him to deposit the Register for the 1974-79 Parliament in the Record Office in Victoria Tower where it is available for public inspection.
92. See fn. 58.
93. H.C. Debs. Vol. 973, col. 558, Session, 1979-80, 7 November 1979.
94. In July 1975, less than a month after the format of the Register was agreed for Members, Mr Cyril Smith moved an amendment to clause one of the Industry Bill to the effect that the N.E.B. should maintain a register of financial interests on the same lines as the House of Commons. (H.C. Debs. Vol. 894, cols. 1250-1267, S. 1974-75). The amendment was agreed to without division and the N.E.B. subsequently adopted a register of the financial interests of all Members of the Board which, unlike that applicable to the House of Commons, was a statutory requirement.
95. As explained in the introduction, the termination date for the period examined by this study was the May 1979 General Election. However, the Register is still a live, if low priority issue. The new Select Committee on Members' Interests was finally set up in November 1979, and while still upholding the opinions of the earlier Select Committee eventually decided to go ahead and allow publication of a new Register and then deal with actions against Members who refused to comply - these now totalled 5: Mr Enoch Powell (U.U.U.C.), Mr Alex Lyon (Lab), Rev. Ian Paisley (U.U.), Mr Kenneth Lewis (Con) and Sir John Lanford-Holt (Con).
See: First Report from the Select Committee on Members' Interests, H.C. 337, Session 1979-80, 14 January 1980, and Second Report from the Select Committee on Members' Interests, H.C. 616, Session 1979-80, 21 May 1980.

Chapter 7

1. H.C. Debs. Vol. 812, col. 1704, Session 1970-71, 3 March 1971.
2. H.C. Debs. Vol. 874, col. 432, Session 1974, 22 May 1974.
3. Ibid., col. 407.
4. Appendix 2, Q. 25 and Q. 26. Table 8 and Table 9. The actual percentage of Members pursuing some kind of regular or occasional employment was 70%. This figure is the same as that emerging from the survey conducted by the Boyle Commission in 1971 (see ch. 5, note 20). While the two findings cannot be directly compared, they do suggest that it is likely that the proportion of MPs pursuing some kind of outside employment remained fairly constant between 1971 and 1974. However, they reveal nothing about the time spent on such employment, which might have changed.
5. For details of pay, allowances and pensions of MPs 1912-1979 see: BUTLER, David and SLOMAN, Anne. British Political Facts 1900-1979, London, The Macmillan Press: fifth ed. 1980, pp. 193-194.
6. As Sir W. Ivor Jennings recognised in 1957, 'the average Member has to spend more time on his parliamentary duties than he would normally spend in earning a living. There is no eight-hour day or forty-five hour week...'. JENNINGS, Sir W. Ivor. Parliament, Cambridge University Press: 1957, 2 ed. pp. 44-45.
7. Although the sample survey indicated lack of agreement among Members as to what they understood by amateurism (and its opposite, professionalism) over 80% of the sampled Members insisted that in general the conduct of the House could still be described as amateur. Appendix 2, Q. 24.
8. KING, Anthony. British Members of Parliament: A Self Portrait, London, The Macmillan Press Ltd. in connection with Granada T.V: 1974, p. 115.
9. H.C. Debs. Vol. 874, col. 399, Session 1974, 22 May 1974.
10. SCHATTSCHNEIDER, E.E. The Semi-Sovereign People, New York, Holt, Rinehart and Winston: 1960; p. 24-25.
11. LUKES, Steven. Power, A Radical View, London; the Macmillan Press Ltd: 1974, reprinted 1977, p. 34.
12. H.C. Debs. Vol. 953, col. 26, Session 1977-78, 3 July 1978.
13. H.C. Debs. Vol. 973, col. 544, Session 1979-80, 7 November 1979.
14. Congressional Quarterly Almanac, Vol. XXXIII (1977) pp. 763-781. The ethics code contains no provision to separate one defective section from other valid ones. Thus, if the Court were to declare the income section void, the entire code would be void.
15. The Report of the Select Committee on Members' Interests (Declaration) H.C. 102, Session 1974-75, 12 December 1974, p. vii, para. 10.

16. The Report from the Select Committee on Conduct of Members, H.C. 490, Session 1976-77, 13 July 1977.
17. BOULTON, C.J. 'Conduct of Members', The Table, Vol. XLVI (1978), p.31.
18. The Report of the Select Committee of Parliamentary Privilege, H.C. 34, Session 1967-68, December 1967, Appendix v, pp. 189-90.
19. Ibid. p. 194.
20. Ibid. p. 195.
21. Ibid. p. 106.
22. The confusion between conflict of interest and corruption is examined in Chapter 8.
23. The Prevention of Corruption Acts include: Public Bodies Corrupt Practices Act 1889 (Halsbury's Statutes of England, 2nd ed. Vol. 5 pp. 919-921; The Prevention of Corruption Act 1906 (Ibid. pp. 924-925); The Prevention of Corruption Act 1916 (Ibid. pp. 1043-1044). For a summary of the Acts see the Report of the Royal Commission on Standards of Conduct in Public Life, Cmnd. 6524 of July 1976, pp. 15-25 and 154-162.
24. Report of the Royal Commission on Standards of Conduct in Public Life, op. cit. para. 307, p. 98.
25. H.C. Debs. Vol. 917, col. 1446, Session 1975-76, 20 October 1976.
26. H.C. Debs. Vol. 936, cols. 348 and 419, Session 1976-77, 26 July 1977.
27. The Report from the Select Committee of Parliamentary Privilege, H.C. 34, Session 1967-68, December 1967, paras. 194-197. Third Report from the Select Committee of Parliamentary Privilege, H.C. 417, Session 1976-77, paras. 13 and 15.
28. The Report of the Royal Commission on Standards of Conduct in Public Life, op. cit. para. 311, p. 99.
29. The Times, 5 November 1976, Letter.
30. ZELLICK, Graham, 'Bribery of Members of Parliament and the Criminal Law', Public Law, Spring 1979, pp. 31-58.
31. For example see, R. v White (1875) 13 S.C.R. (N.S.W.) (L) 322; R. v Boston (1923) 33 C.L.R. 386, 400.
32. R. v Boston, op. cit. at p. 412.
33. ZELLICK, Graham, loc. cit. p. 53.
34. See Chapter 3, Note 45.

35. For a summary of the rules applicable to the civil service see: Report of the Royal Commission on Standards of Conduct in Public Life, op. cit. pp. 37-38 and Appendix 11.
36. For a summary of the rules applicable to local government, see, Ibid, pp. 38-39 and Appendix 12.
37. H.C. Debs. Vol. 936, col. 342, Session 1976/77, 26 July 1977.
38. The Times, 4 July 1973.
39. Members of Parliament and Conflicts of Interests, Green Paper signed by President of the Privy Council of the Canadian Parliament, July 1973, p. 6.
40. HOUGHTON, Douglas Rt. hon. 'Financial Interests of Members of Parliament', The Parliamentarian, Vol. LV (1974) p. 7.
41. WEBER, Max. Methodology of the Social Sciences, translated and edited by Edward A. Shils and Henry A. Finch, New York, The Free Press: 1949. Essay on "Objectivity" in Social Sciences and Social Policy', p. 78.
42. This study adopts a different interpretation of professionalisation than that used by BUCK, P.W. Amateurs and Professionals in British Politics 1918-59, Chicago, University of Chicago Press: 1963, and MELLORS, Colin. The British M.P., Great Britain, Saxon House: 1978. Mellors follows Buck in dividing MPs into 'amateurs' and 'professionals' according to their length of parliamentary service. This study agrees with Michael Rush (Book review in The Political Quarterly, Vol. 50 (1979), pp. 142-43) that although length of service is an important variable, it is misleading to equate it with 'professionalisation' - the extent to which MPs are full-time or part-time in carrying out their parliamentary duties.
43. For a discussion of this view see, for example, SHILS, Edward A. The Torment of Secrecy, London, Heinemann Ltd.: 1956, esp. pp. 37, 48 and 57.
44. See for example, DREWRY, Gavin, 'The Outsider and House of Commons Reform: Some Evidence from The Crossman Diaries', Parliamentary Affairs, Vol. XXXI (1978), pp. 424-435; BARKER, Anthony, 'Parliament and Patience', Political Studies, Vol. 15 (1967) pp. 74-81.
45. The Times, 19.7.1972. For a useful discussion of whether political careers can be assessed as a profession, the reader is referred to EULAU H. and SPRAGUE J. Lawyers in Politics, A Study In Professional Convergence, Indianapolis, Bobbs Merrill Co: 1964, pp. 139-141.
46. ARNOLD, Thurman, 'U.S. Congress Senate, Committee on Labour and Public Welfare'. 1951. Establishment of a Commission on Ethics in Government: Hearings before a sub-committee to study Senate Concurrent Resolution 21 of the Committee on Labour and Public Welfare. 82d Congress, 1st Session, Washington: Government Printing Office, p. 372.

47. This view is explored by Susan Wakefield in 'Ethics and the Public Service: A case for Individual Responsibility', Public Administration Review, No. 6, Nov/Dec 1976, pp. 661-666.
48. Over 80% of the sampled Members believed that Members' interests and the problem of conflict of interest are part of, or indirectly associated with, the wider debate about open government (Appendix 2, Q. 28). It was the view of several MPs that Members' Interests are just one small part of the problem, and that the campaign for more open-government was side-tracked away from the real problems gripping Parliament into the campaign for the disclosure of Members interests.
49. See for example, NORTON, Philip, The Commons in Perspective, Oxford, Martin Robertson: 1981, and others.

Chapter 8

1. H.C. Debs. Vol. 893, cols. 756-757, Session 1974-75, 12 June 1975.
2. BIRCH, A.H. Representative and Responsible Government, London, George Allen and Unwin: 1964: p. 227.
3. The differences and similarities between Burkean and Liberal formulations of trustee theory are explored by David Judge in: 'Representative Theories and Parliamentary Specialization', Paper prepared for the annual conference of the Political Studies Association, Exeter, 1980; and 'British Representative Theories and Parliamentary Specilaisation', Parliamentary Affairs, Vol. XXXIII (1980) pp. 40-53.
4. JUDGE, David. 'British Representative Theories and Parliamentary Specialization', Parliamentary Affairs, Vol. XXXIII (1980), p. 51.
5. EULAU, H. et. al., 'The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke', American Political Science Review, (1959), p. 750.
6. Ibid. p. 745.
7. Members of Parliament and Conflicts of Interests, Green Paper signed by the President of the Privy Council of the Candiam Parliament, July 1973, p. 3.
8. JUDGE, David. loc. cit. pp. 51 and 52.
9. EULAU, H. loc. cit. p. 754.
10. For a thorough discussion of this relationship see: HARRISON, Martin. Trade Unions and The Labour Party since 1945, London, George Allen and Unwin Ltd: 1960; MULLER, William D. The 'Kept Men'?, Great Britain, Harvester Press Ltd: 1977.
11. All election figures are from BUTLER, David and SLOMAN, Anne, British Political Facts 1900-1979, fifth edition, Great Britain, Macmillan: 1980.

12. Report of the Select Committee on Members' Interests (Declaration) H.C. 57, Session 1969-70, 4 December 1969, Evidence, Appendix III, p. 121.
13. H.C. Debs. Vol. 440, col. 369, Session 1946-47, 15 July 1947.
14. Ibid. col. 301.
15. MULLER, William D. op. cit. p. 194.
16. See note 13.
17. Report from the Select Committee of Privileges, H.C. 50, Session 1971-72, p. 5, para. 14.
18. DOIG, Alan, 'Self-Discipline and The House of Commons: The Poulson Affair in a Parliamentary Perspective', Parliamentary Affairs, Vol. XXXII (Summer 1979) p. 258.
19. Stated during BBC 1 Television programme, Question Time, 26 March 1981.
20. The Guardian, 14 January 1981.
21. H.C. Debs. Vol. 973, col. 558, Session 1970-80, 7 November 1979.
22. Affiliation of union-sponsored MPs is recorded in the Reports of the Annual Conference of the Labour Party.
23. COOMBES, D. and WALKLAND, S.A. (eds), Parliaments and Economic Affairs, London, Heinemann: 1980, p. 20.
24. DOIG, Alan, loc. cit. p. 259.
25. The Times, 22 December 1980. A Private Members' Bill was introduced by Mr Bob Cryer (Lab) on 2 February 1982 with the intention of registering The "professional lobbyists" of Parliament.
26. Report of the Select Committee on Members' Interests (Declaration), 1969, op. cit. Evidence, Q. 343.
27. Ibid. Evidence, Q. 344.
28. In Labour Weekly, 26 April 1974.
29. The Daily Telegraph, 20 May 1974.
30. Report of the Select Committee on Members' Interests (Declaration) 1969, op. cit. Evidence, p. 50.
31. Ibid. Evidence, p. 145.
32. Ibid. Evidence, p. 52
33. The Guardian, 27 March 1981. These allegations were made by Chapman Pincher, the former defence correspondent of the Daily Express.

34. Report of the Select Committee on Members' Interests (Declaration) 1969, op. cit. Evidence, p. 146.
35. H.C. Debs. Vol. 970, cols. 2025-6, Session 1979-80, 19 July 1979. Mr Eldon Griffiths in fact moved the motion that 'This House believes that the sentence of capital punishment should again be available to the courts'.
36. See Chapter 7, fn. 23.
37. For example, R. v Smith (1960), 1. A.E.R. 256.
38. Lord Chancellor, 1901, contained in Home Office Papers and cited in evidence to the Royal Commission on Standards of Conduct in Public Life, op. cit. by the Home Office. Public Records Office reference: H07124741.
39. BROOKS, Robert C., 'The nature of Political Corruption', in HEIDENHEIMER, Arnold J., Political Corruption: Readings in Comparative Analysis, U.S.A., Holt, Rinehart and Winston Inc: 1970, p. 56.
40. For example, used by NYE, J.S., 'Corruption and Political Development: A Cost-Benefit Analysis', in HEIDENHEIMER, Arnold J., 1970, op. cit.; pp. 564-579.
41. For example, used by van KLAVERN, Jacob, 'The Concept of Corruption', in HEIDENHEIMER, Arnold J., 1970, op. cit. , pp. 38-41.
42. For example, used by FRIEDRICH, Carl J., 'Political Pathology', in Political Quarterly, No. 37 (1966), p. 74.
43. BROOKS, Robert C., loc. cit. p. 57.
44. HURSTFIELD, Joel. 'Political Corruption in Modern England; the Historian's Problem', History, No. 52, February 1967, pp. 16-34, at p. 18.
45. CHIBNALL, Steven and SAUNDERS, Peter. 'Worlds Apart: Notes on the Social Reality of Corruption', British Journal of Sociology, Vol. 28 (1977) p. 138.
46. There is a similarity between this argument and Steven Lukes's observation that different conceptions of what interests are associated with different moral and political positions. See Chapter 7, fn. 11.
47. Although it should be remembered that one feature of Parliament's handling of misconduct on the part of its Members is that it avoids recourse to the courts.
48. The Financial Times, 9 May 1974.
49. The Times, 22 July 1980.
50. HAMILTON, William W. 'Members and Outside Interests', The Parliamentarian, Vol. 56-57 (1975-76) p. 230.

51. NEWMAN, Frank C. 'Reflections on Money and Party Politics in Britain', Parliamentary Affairs, Vol. X (1956-57) p. 318.
52. FINER, Samuel E. Anonymous Empire: A Study of the Lobby in Great Britain, London, Pall Mall Press: 1969 Rev. ed. p. 117.
53. When reporting on the case of Mrs Tennant, the Select Committee of Privileges pointed to similar problems in order to illustrate the difficulty of determining the borderline between legitimate political activity and illegitimate pressure upon MPs. Report From the Select Committee of Privileges, H.C. 181, Session 1945-46, para. 4.

APPENDIX 1The Random Sample Survey: a statement on techniqueThe interview schedule¹

A copy of the interview schedule used for the random sample survey is attached (fig. 1). This went through three draft stages in an attempt to formulate clear and unambiguous questions. Each draft was revised in the light of comments by academic advisers and MPs who were kind enough to assist in this process.

Taking into consideration that MPs are busy people and (as they confirmed) are inundated with requests for assistance with research, it seemed sensible to restrict the schedule to one which could be completed adequately in 45 minutes. One that was longer would have courted the danger of tiring the respondents and so reducing the reliability of their replies. A trial run on the schedule amended it finally to 37 questions. Some of the factual information required was confined to a separate list of questions, the answers to which could be derived from various reference books on Parliament.

The initial introductory letter (fig. 2) played a crucial role in gaining the assistance of Members and justified the disproportionate amount of time spent on its construction and on typing it out individually for each Member.

The sample frame

As stated in Chapter 2, the sampling frame comprised all those MPs who had been in the House at the time of the 1974 division on the Register of Members' Interests and who were still Members in 1979. This involved subtracting from a list of MPs sitting in the House in May 1974 all those who had died, retired, been elevated to the peerage, were ineligible to vote² or who had lost their seats in the October 1974 General Election or the May 1979 General Election. Therefore the total population included in the sampling frame was:-

Total of MPs in 1974:	635
Total of MPs missing or ineligible to vote in 1979:	<u>180</u>
Total sampling frame:	<u>455</u>

The most convenient list to use for the sampling frame was the Division list itself (Div. 31 of 22 May 1974) which lists separately, in alphabetical order, the Members who voted for or against the motion.

The 'absent/abstained' stratum was obtained by working through the alphabetical list of Members provided in the Times Guide to the House of Commons (February 1974 edition), striking off all Members who voted yes or no. This left an alphabetical list of all Members who were absent or abstained or ineligible to vote. Having thus obtained an alphabetical list for each stratum, those MPs missing in 1979 or ineligible to vote were eliminated, leaving three alphabetical lists of the 455 Members making up the sampling frame.

The sampling fraction

The sample of MPs required was 30, and as explained in Chapter 2, the precision of the sample was increased by stratifying on the voting patterns in the division on the motion to establish the Register.

To obtain a sample reflecting the climate of opinion in the House in 1974 the procedure followed was to first calculate the correct proportions in each stratum that would have resulted if the entire 1974 population of the House could have been sampled. The composition of the whole House³ stratified by voting behaviour in the division was:-

Ayes:	363 + 2 tellers =	365
Noes:	168 + 2 tellers =	170
A/A :	97	= 97

To obtain the target sample of 30 MPs the correct unified sampling fraction would have been:- $\frac{632}{30} = 21$

Using this sampling fraction, the 30 MPs required would have been distributed in the following proportions:-

Ayes:	17
Noes:	8
A/A :	5

Having established the correct proportions required in the sample, the variable sampling fractions required to arrive at this distribution could be calculated for the actual sample as follows:-

(i) Composition of the 455 Members in the sample population:-

Ayes:	260
Noes:	131
A/A :	64

(ii) Calculation of variable sampling fractions:

$$\text{Ayes: } \frac{260}{17} = 15.29 = 15$$

$$\text{Noes: } \frac{131}{8} = 16.37 = 16$$

$$\text{A/A : } \frac{64}{5} = 12.8 = 13$$

Using these sampling fractions, the sample of 30 MPs would be distributed in the ratio 17:8:5, reflecting the voting characteristics of the House in 1974.

Drawing the sample

The random sample was drawn by the method of 'systematic sampling';⁴ i.e. where the desired sampling fraction is 'k', selecting every kth person throughout the list, starting with a randomly chosen number between one and k inclusive.

Bearing in mind that a proportion of those 30 MPs would for various reasons not respond, a second sample of 30 MPs was drawn in exactly the same way as the original sample; the intention being to reach the correctly proportioned target of 30 MPs by systematically working through the names in the second stratified sample until the target number was reached.

Composition of the sample

The following is an alphabetical list of the MPs who made up the completed sample:-

Mr F. Allaun	Mr P. Fry	Mr T. McMillan
Mr J. Ashton	Sir Raymond Gower	Rt. Hon. C. Morris
Mr E. Bulmer	Mr I. Grist	Mr N. Miscampbell
Mr L. Carter-Jones	Mr P. Hawkins	Mr J. Moore
Mrs L. Chalker	Mr F. Hooley	Rt. Hon. J. Peyton
Mr S. Cohen	Sir John Langford-Holt	Mr R. Sims
Mr J. Cope	Mr I. Lawrence	Mr I. Stanbrook
Mr E. Deakins	Miss J. Lestor	Mr R. Taylor
Mr M. English	Mr K. Lewis	Mr S. Thorne
Mr E. Fletcher	Mr K. Marks	Mr P. Whitehead

Response rate

The response rate for the sample as a whole was 57%. As shown in Table 3, the rates for each of the strata were as follows: Ayes 61%; Noes 50%; and Absent/Abstained 56%. Several factors contributing to an

explanation of these differences in response rates emerged from the interviews and from letters of refusal. Those who voted to establish the Register tended to be more interested in the subject of the research than those who voted no or abstained and were more ready to talk about it. Many of those who voted no or abstained felt they had nothing to contribute on the subject, and even after reassurance that their opinions were equally valuable as those who voted yes in gauging the climate of opinion in the House in 1974, some still declined to be interviewed. Closely associated with this explanation was the factor of Party. All those in the 'Noes' stratum and the 'Absent/Abstained' stratum were Conservative Members who, as Table 4 indicates, had a lower response rate than the Labour Members contacted. Similarly the majority of the 'Ayes' stratum (82%) were Labour Members who had the higher response rate. As the study confirms, more Conservative than Labour Members are likely to have outside interests. For this reason, among others identified in the text, they are more likely to be antipathetic to the idea of a register, which they have a tendency to see as the first step on the 'slippery slope' towards a full-time House of Commons. This is not to attribute such a view to all Conservative Members.

A detailed analysis of non-response is provided in Table 5. Here the category of non-response is broken down into its main components of no reply, reasoned refusal and unreasoned refusal.

No reply: Only two Members (approximately 7% of the numbered sampled) did not reply at all. Both were Labour Members who had voted for the Register in 1974. Perhaps significant in terms of their non-response, both abstained or were absent from the debate on the Register in June 1975.

Reasoned refusals: Of the reasoned refusals, thirteen out of the sixteen Members in this category (81%) gave lack of time as a reason for their refusal. This was particularly so of Conservative Members, many of whom were now, with the change of Government, in ministerial positions. Of the remaining three reasoned refusals one was unclear, another explained, 'this is not a specialist interest of mine!', and the third, surprisingly a Labour Member, felt he had nothing to add to his opinion that 'the clamour for a register came from the unemployable and the envious'.

Unreasoned refusals: Five Members, three Labour and two Conservative, gave no reason for their refusals but did at least acknowledge receipt of the request for assistance and confirmed their non-response.

Footnotes

1. A discussion by Arthur Korn hauser of the problems arising in the construction of interview schedules proved particularly helpful for this researcher. See, KORNHAUSER, Arthur, 'Constructing Questionnaires and Interview Schedules', in JAHODA, M., DEUTCH, M., COOK, S.W. Research Methods in Social Relations, Part Two. Selected Techniques, New York, The Dryden Press: 1951, pp. 423-492.
2. Mr Speaker, the Chairman of Ways and Means and the First and Second Deputy Chairman of Ways and Means are ineligible to vote because of the Offices they hold. At the time of the 1974 Division there was no Second Deputy.
3. Excluding the three Members ineligible to vote (see note 2. above).
4. As explained by MOSER, C.A., and KALTON, G., Survey Methods in Social Investigation, London, Heinemann: 1973, pp. 83, strictly speaking 'systematic sampling' is not equivalent to simple random sampling. It does not give all possible samples of size n from the population of size N an equal chance of selection. Once the sampling fraction has been determined, the random selection of the first starting point determines the whole sample.

Survey on Members' Interests
with special reference to the introduction of a
Register of Members' Interests.

Sandra Williams - Bedford College.

Serial number of informant.....

1. In what ways and to what extent do you think the decision in May 1974 to establish a compulsory register of Members' interests signified a change in the attitude of the House of Commons towards disclosure of interests?
2. The 1969 Select Committee on Members' Interests (Declaration) reached its conclusion not to recommend a register of Members' interests on the assumption that MPs should be treated no differently than outside citizens. Do you agree with this assumption, or do you think that on entering public life an MP should be prepared to give up some of his privacy in the area of his financial interests and activities?
3. What information do you think the public has a right to know about the financial activities and interests of its legislators outside the House of Commons?
4. Do you agree with the statement made by Edward Short (now Lord Glenamara) in the May 1974 Debate on Members' Interests that a compulsory register was necessary to restore public confidence in Parliament?
5. (a) Do you think that public anxiety over Members' financial interests has been the main factor influencing the change in Parliament's attitude to disclosure of interests?
 (b) What other factors do you think influence Parliament's approach to disclosure of interests?
6. Could you give me the main reason for the position you took in the debate on Members' interests on 22 May 1974, and for the way you voted on the motion to establish a compulsory register of Members' interests?

Fig. 1: Interview Schedule

7. Would you have voted for a voluntary register, or would you have preferred the arrangements regarding Members' interests which existed before the May 1974 resolutions to have continued unchanged? (To be asked of those who voted no or were absent or abstained in the above debate).
8. What do you consider disclosure of Members' interests is for?
 - (a) Pre-coded reasons
 - (i) To provide the House with information on any pecuniary interest or other material benefit which an MP may receive and which may be thought to affect his conduct as an MP or influence his activities, speeches or vote in Parliament?
 - (ii) To provide the general public with such information?
 - (iii) To protect a Member against any allegations or innuendos which might be made against him?
 - (b) Any other reasons; if so, please state what?
9. Have you ever made a disclosure statement? If so, when and where?
10. Are you satisfied with the categories of registrable interests included in the Register? (show card displaying classifications used by the Register).
11. (a) Do you think any of the existing categories should be excluded?
(b) If so, what?
12. (a) Do you think any further categories should be included?
(b) If so, what?
13. (a) Do you think any other classes of person besides MPs should register their financial interests?
(b) If so, whom?
14. (a) Do you think that interests other than financial interests should be declared and/or registered?
(b) If so, what?

15. Do you think that the register should be enforced by a standing order as suggested by the Select Committee on Members' Interests?
16. (a) In your view, should the House take action against any Member who refuses to register?
(b) If so, what action should be taken?
17. In your opinion, should the register be statutory rather than set up by a resolution of the House?
18. In the light of experience of the workings of the register since 1974 if you had to vote for its continuance which way would you vote? Please give reasons for your answer.

* * * * *

I would now like to ask you some general questions about Members and their interests.

19. What interests, if any (apart from those of your constituents in general), do you think an MP may legitimately represent in the House?
20. What, if any, outside interests do you think MPs may legitimately have?
21. In 1971 the Review Body on Top Salaries reached the conclusion that most Members must be considered as working on a full-time basis, and the level of remuneration assessed accordingly. Do you think MPs' salaries and allowances should be calculated on a full-time basis?
22. Are present salary levels satisfactory?
23. Would it be feasible and/or desirable to raise salaries and ban outside employment?

24. (a) It was suggested in the debate on the motion to set up the 1969 Select Committee on Members' Interests (Declaration) and has been endorsed by a recent Select Committee on Procedure, that the House often behaves in a way that might be described as amateur. Do you think this is a fair description?
- (b) Can you tell me what you understand by the term 'amateur' in this context?
- (c) Conversely, can you tell me what you understand by the term 'professional' in this context?
25. Do you think the House should consist entirely of full-time Members?
26. (a) To what extent do you consider the job of an MP is for yourself a full-time occupation?
- (b) Apart from your work as an MP do you have any other paid or unpaid employment?
27. The issue of Members' interests has been considered by both Labour and Conservative Governments to be a House issue rather than a party issue. Do you think MPs view the issue in a similar way, or do you think there is in practice party clustering in terms of attitudes on this subject?
28. Do you consider the topic of disclosure of Members' interests to be part of the wider debate about open government?
29. Can you tell me whether you are in favour of public sound broadcasting of the procedures of Parliament?
30. Can you tell me whether you are in favour of televising the procedures of Parliament?
31. Do you think the issue of Members' financial interests is a domestic matter which should be settled entirely within the House, or do you think it is a subject for wider discussion, drawing on expertise from this country and perhaps from abroad?

- 32. To what extent do you think that mutual trust among Members is one of the foundations upon which political life is conducted?
 - 33. Do you think MPs should be subject to the corruption laws in their parliamentary capacity as well as in their private capacity, or do you think that parliamentary privilege should continue to regulate MPs' behaviour in their parliamentary capacity as regards allegations of corruption?
 - 34. (a) Can you tell me what you understand by the term 'corruption'?
(b) How far does it overlap with the term 'conflict of interest'?
 - 35. Could you tell me what aspects, if any, of being an MP might provide the opportunity for a potential 'conflict of interest' and possibly corrupt activity?
 - 36. Have you ever been worried about a possible conflict of interest in your own parliamentary career?
 - 37. Did you give up or sell any interests when you entered Parliament to avoid any potential conflict?
-

Date of Interview:

Length of Interview:

Location of Interview:

Permission to acknowledge:

Permission to Quote:

Comments

Additional information collected on respondents
(but not included in the random sample interview schedule).

38. What age was Member:
 - (a) at the time of the motion to establish a compulsory register - May 1974?
 - (b) at time of interview in 1979?

39. What was the last school Member attended?

40. What was the last university, if any, Member attended?

41. At which General Election or by-election did Member enter the House?

42. How long had Member served in the House at the time of the motion to establish a compulsory register - May 1974?

43. Which way did Member vote, if at all, in the division on 12 June 1975 to agree with the recommendations made by the Select Committee on Members' Interests (Declaration)?

44. Which way did Member vote, if at all, in the divisions on 24 February 1975 on the motion to authorise an experiment in the broadcasting of Parliament by:-
 - (a) Public Sound Broadcasting
 - (b) Television

Bedford College

(University of London)

REGENT'S PARK LONDON NW1 4NS

Telephone: 01-486 4400

Telegrams: Edforcoll London NW1

....., MP,
 House of Commons,
London S.W.1.

Date

Dear Sir,

I am writing to you as a post-graduate student at Bedford College, University of London, to ask whether you would kindly spare some time to assist me with my research.

The research project, to be submitted for a Ph.d., is concerned with the issue of 'conflict of interest' in government. To a large extent it focuses on the rules and conventions governing Members of Parliament in this area, and looks particularly at the campaign for the registration of Members' Interests and the Register itself as it was finally established by a resolution of the House. I have already consulted most of the relevant literature and Official Publications, but would like to talk to Members, like yourself, who were MPs at the time of the debate on setting up the register which took place in May 1974. I have already had a fruitful talk with the Registrar of Members' Interests and would be most grateful if you would similarly agree to a short interview on the subject of Members' interests.

I hope to interview at least thirty MPs who were in the House at the time of the 1974 debate. Your name appears in the random statistical sample that I have drawn. That sample has been devised in order to cover a representative cross-section of opinion in the House and I am sure you will understand my anxiety to maintain a correct statistical balance by gaining the co-operation of as many Members as possible.

I envisage the interview taking about forty-five minutes, although this would obviously depend on the time that you felt you could spare. Would it be possible to meet you at a convenient time, date and venue in the near future? I realise that you are extremely busy, but would be most grateful for your assistance. I need hardly add that any information you give me will not be attributed to you without your permission.

Yours faithfully,

Sandra Williams(Fig. 2)

Response Rate for Random Sample Interviews¹

Strata	Sample ² Drawn	Completed Sample	Response Rate
Ayes	28	17	60.71%
Noes	16	8	50.00%
Absent/Abstained	9	5	55.56%
TOTAL	53	30	56.60%

Footnotes

- 1 For analysis of non-response see Table Five.
- 2 Total number drawn in order to reach the target number to be interviewed within each stratum. All were drawn on a random sample basis.

Table 3

Overall Response Rate by Party

Category of Response	Conservative		Labour		Liberal		Total	
	No.	% ₁	No.	%	No.	%	No.	%
Replied/Interviewed (Completed Sample)	16	51.61	14	66.67	0	0	30	56.60
Total non-response	15	48.39	7	33.33	1	100	23	43.40
Sample drawn ²	31	100.00	21	100.00	1	100	53	100.00

Footnotes:

- 1 Percentage figures refer to percentage of the number of that Party sampled who responded in a particular way. i.e. 51.61% of the 31 Conservative Members in the sample drawn replied and were interviewed. The figures add vertically.
- 2 Total number drawn in order to reach the target number to be interviewed within each stratum. All were drawn on a random sample basis.

TABLE 4

Analysis of Non-Response

Stratum	Number ¹ Sampled	Category of Non-Response						Total Non-Response	
		No Reply		Reasoned Refusal		Unreasoned Refusal		Number	% Rate
Ayes	28	2	7.14%	6	21.43%	3	10.71%	11	39.29%
Noes	16	0	0	7	43.75%	1	6.25%	8	50.00%
Absent/ Abstained	9	0	0	3	33.34%	1	11.11%	4	44.44%
Total	53	2	3.77%	16	30.19%	5	9.43%	23	43.40%

Footnotes:

- 1 Total number sampled in order to reach the target number to be interviewed within each stratum. All were drawn on a random sample basis.

TABLE 5

APPENDIX 2

Interview Response Data: Frequencies

Question No.	Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
	No.	%			
1.	<u>Views on whether the compulsory register signified a change in Parliament's attitude towards disclosure</u>				
	15	50.00	11	3	1
	10	33.33	4	3	3
	3	10.00	1	1	1
	2	7.00	1	1	0
2.	<u>Views on whether M.P.s should have less privacy in the area of financial interests and activities than outside citizens</u>				
	22	73.33	15	5	2
	1	3.33	1	0	0
	5	16.67	0	3	2
	2	6.67	1	0	1
3.	<u>Views on what information the public has a right to know about Members' outside financial interests and activities</u>				
	5	16.67	5	0	0
	10	33.33	9	0	1
	9	30.00	2	4	3
	5	16.67	1	3	1
	1	3.33	0	1	0

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
4.	<p><u>Views on whether a compulsory register was necessary to restore public confidence</u></p> <p>Yes; and effective</p> <p>Yes; but ineffective</p> <p>Marginal yes; but to maintain rather than restore confidence</p> <p>No; public confidence in M.P.s fluctuates and is not influenced by the register</p> <p>No; public confidence in M.P.s not low</p>	4	13.33	4	0	0
		3	10.00	3	0	0
		9	30.00	5	3	1
		11	36.67	4	4	3
		3	10.00	1	1	1
5.	<p>(a) <u>Views on whether perceived public anxiety was the main factor influencing the change in Parliament's approach to disclosure</u></p> <p>Yes</p> <p>Marginal; a factor but not the main factor</p> <p>No; not a factor</p> <p>(b) <u>Views on what other factors influence Parliament's approach to disclosure</u></p> <p>Publicity created by the mass media</p> <p>General climate of opinion within Parliament; parliamentary anxiety</p> <p>Political motivation of certain groups of M.P.s/lobbies</p> <p>Individual incidents/scandals, eg. Poulson</p> <p>Local Party and constituency anxiety</p> <p>Other</p>	6	20.00	4	2	0
		18	60.00	9	5	4
		6	20.00	4	1	1
+						
i		19	63.33	13	4	2
		18	60.00	13	2	3
		4	13.33	1	3	0
		23	76.67	15	6	2
		1	3.33	1	0	0
		7	23.33	5	1	1

Question No.	Principal reason for voting behaviour on the issue of the Register	Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)	
		No.	%				
6.	<u>Principal reason for voting behaviour on the issue of the Register</u>						
	Voted yes; belief that M.P.s financial interests should be publically declared/known	11	36.67	11	0	0	
	Voted yes; to allay public anxiety/suspicion	5	16.67	5	0	0	
	Voted yes; to kill off interest in the issue - tactical voting	1	3.33	1	0	0	
	Uncommitted no; voted no on balance	1	3.33	0	1	0	
	Committed no; register unwelcome imposition on M.P.s	2	6.67	0	2	0	
	Committed no; register ineffective and a sham	2	6.67	0	2	0	
	No conscious decision to abstain	1	3.33	0	0	1	
	Conscious abstention; undecided on the issue	2	6.67	0	0	2	
	Conscious abstention; trivial issue not worth consideration	2	6.67	0	0	2	
	Confused on voting behaviour	3	10.00	0	3	0	
	7.	<u>Would respondent have voted for a voluntary register or preferred pre-1974 practices to remain unchanged? (Only applicable to the 13 respondents who voted no or abstained)</u> ¹					
		Voluntary register	3	23.08	0	3	0
Preferred pre-1974 practices		8	61.54	0	4	4	
Other		2	15.38	0	1	1	
							280.

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
+ 8.	<p><u>Views on reasons for disclosure of interest</u></p> <p>(a) <u>Preceded reasons</u></p> <p>To provide the House with information on M.P.s financial interests</p> <p>To provide general public with such information</p> <p>To protect Member against allegations/innuendo</p> <p>(b) <u>Any other reasons</u></p> <p>To allay public anxiety and/or eliminate erroneous suggestions of corrupt practices in the British Parliament</p> <p>It furthers the general principle of 'openness' in a democratic society</p> <p>To ensure Members do not abuse their position in the furtherance of their own aims</p> <p>To satisfy curiosity of Press, lobbies, etc.</p>	26	86.67	16	7	3
		13	43.33	9	2	2
		5	16.67	4	1	0
		8	26.67	8	0	0
		5	16.67	2	2	1
9.	<p><u>Has respondent ever made a disclosure statement?</u></p> <p>Yes; Floor of House (debate and/or committee) only</p> <p>Yes; Floor of House (debate and/or committee) and Register</p> <p>Yes; Register only</p> <p>No</p>	1	3.33	1	0	0
		21	70.00	10	6	5
		7	23.33	5	2	0
		1	3.33	1	0	0
10.	<p><u>Is respondent satisfied with the categories of registrable interests?</u></p> <p>Satisfied</p> <p>Not satisfied</p>	6	20.00	5	0	1
		9	30.00	5	4	0

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
10 (cont)	Not satisfied; other reasons Unwilling to express opinion because sees Register as irrelevant	9 6	30.00 20.00	7 0	1 3	1 3
11.	<u>Does respondent think any existing categories should be excluded?</u> Yes No Unwilling to express opinion because sees Register as irrelevant	0 24 6	0 80.00 20.00	0 17 0	0 5 3	0 2 3
12.	<u>Does respondent think that any further categories should be included?</u> Yes No Unwilling to express opinion because sees Register as irrelevant	9 15 6	30.00 50.00 20.00	9 8 0	0 5 3	0 2 3
13.	<u>Does respondent think other classes of persons should register their financial interests?</u> Yes No Unwilling to express opinion because sees Register as irrelevant Other	18 10 1 1	60.00 33.33 3.33 3.33	13 3 0 1	2 5 1 0	3 2 0 0

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
14.	Does respondent think non-financial interests should be registered and/or declared? Yes No Do not know	3 25 2	10.00 83.33 6.67	3 12 2	0 8 0	0 5 0
15.	Views on whether the present Register should be enforced by a standing order Yes No; leave as a resolution No; it should be enforced by law (i.e. should be statutory) No; there should be no register	10 11 2 7	33.33 36.67 6.67 23.33	9 6 2 0	1 4 0 3	0 1 0 4
16.	(a) Views on whether House should take action against M.P.s refusing to register Yes Yes; but only if it becomes a standing order Yes; but only if it becomes statutory No (b) If yes, what action did respondents recommend? (applicable to the 11 respondents who said yes to 16(a)) That which follows a breach of privilege (i.e. reprimand, suspension, expulsion)	9 1 1 19	30.00 3.33 3.33 63.33	9 0 1 7	0 1 0 7	0 0 0 5
		7	63.64	6	1	0

2

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
16 (cont)	Registration should be a condition of Membership Other undefined action	2 2	18.18 18.18	2 2	0 0	0 0
17.	<u>Views on whether Register should be statutory</u> Yes No No answer	10 19 1	33.33 63.33 3.33	10 6 1	0 8 0	0 5 0
18.	<u>How would respondent now vote on a motion for the continuance of the Register?</u> Yes No Absent/abstain	22 7 1	73.33 23.33 3.33	17 0 0	4 4 0	1 3 1
19.	³ Not coded.					
20.	<u>Views on what outside interests M.P.s may legitimately have</u> Unlimited; providing they are legal and do not conflict with M.P.s duty to country and constituency Unlimited; providing they are declared Any unpaid interests, but not paid interests Occasional paid/unpaid interests (e.g. fees from writing, etc.)	17 5 3 1	56.67 16.67 10.00 3.33	4 5 3 1	8 0 0 0	5 0 0 0

284.

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
20 (cont)	None; M.P.s should be full-time	3	10.00	3	0	0
	Other	1	3.33	1	0	0
21.	Views on whether M.P.s salaries and allowances should be calculated on a full-time basis	9	30.00	9	0	0
	Yes; M.P.s should be regarded as full-time with no outside financial interests	14	46.67	7	5	2
	No; M.P.s should not be regarded as full-time	7	23.33	1	3	3
22.	Views on salary levels (post 1979 increase)	10	33.33	6	3	1
	Adequate	18	60.00	11	3	4
	Inadequate; but improving	2	6.67	0	2	0
23.	Views on feasibility and/or desirability of raising salaries and banning outside paid employment	4	13.33	4	0	0
	Feasible and desirable	4	13.33	1	1	2
	Feasible but not desirable because of loss of independence	13	43.33	6	6	1
	Feasible but not desirable for some other reason	3	10.00	3	0	0
	Not feasible but desirable	6	20.00	3	1	2
	Neither feasible nor desirable					

Question No.	Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)	
	No.	%				
24.	<u>Views on 'amateur' as an apt adjective to describe the conduct of the House</u>					
	Amateur; and desirable	9	30.00	4	4	1
	Amateur; and undesirable	4	13.33	4	0	0
	Amateur; but trend towards professionalism	11	36.67	5	2	4
	Not amateur	5	16.67	3	2	0
Do not know	1	3.33	1	0	0	
25.	<u>Views on whether the House should consist entirely of full-time politicians</u>					
	Yes; full-time with no outside financial interests	8	26.67	8	0	0
	Yes; full-time but not debarred from outside financial interests	8	26.67	6	1	1
	No; strength of House lies in diversity of outside interests	8	26.67	2	4	2
	No; other reason	5	16.67	1	2	2
Do not know	1	3.33	0	1	0	
26.	<u>(a) To what extent does respondent see himself as full-time?⁴</u>					
	Full-time; with no outside financial interests	14	46.67	11	2	1
	Full-time; in terms of hours but may have outside financial interests	13	43.33	5	5	3
	Not full-time; but moving towards becoming full-time	1	3.33	1	0	0
	Not full-time	2	6.67	0	1	1
	<u>(b) Does respondent have outside paid/unpaid employment?⁴</u>					
	Regular paid professional employment (eg. barrister, etc.)	6	20.00	3	3	0
	Regular paid commercial employment (eg. directorships, etc.)	7	23.33	0	3	4

Question No.	Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)	
	No.	%				
26 (b) (cont)	Occasional paid freelance employment (eg. broadcasting fees, etc.)	5	16.67	5	0	0
	Unpaid employment (eg. unpaid adviser, etc.)	3	10.00	3	0	0
	None	9	30.00	6	2	1
27.	<u>Views on Members' interests as a House or Party issue in practice</u>					
	House issue (with cross-party differences)	7	23.33	4	2	1
	House issue; but with underlying party position	11	36.67	4	5	2
28.	Party issue; with distinct party clusterings	12	40.00	9	1	2
	<u>Views on whether Members' interests is part of the wider debate about open government</u>					
	Yes; part of wider debate	23	76.67	15	5	3
29.	Marginally yes; indirectly associated	2	6.67	1	1	0
	No; Government separate from the House of Commons	2	6.67	0	1	1
	No; other reason	3	10.00	1	1	1
29.	<u>Is respondent in favour of public sound broadcasting of Parliament?</u>					
	Yes; with no qualification	15	50.00	11	4	0
	Yes; if broadcast selectively	4	13.33	2	1	1
	No; would be unrepresentative of Parliament	9	30.00	2	3	4
	No; would trivialise Parliament	2	6.67	2	0	0

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
30.	<p><u>Is respondent in favour of televising of Parliament?</u></p> <p>Yes; with no qualification</p> <p>Yes; if televised selectively</p> <p>No; would be unrepresentative of Parliament</p> <p>No; would trivialise Parliament</p> <p>Do not know</p>	12	40.00	9	3	0
		3	10.00	1	1	1
		10	33.33	2	4	4
		4	13.33	4	0	0
		1	3.33	1	0	0
31.	<p><u>Views on Members' interests as a domestic issue for the House</u></p> <p>Subject for wider discussion, but ultimately to be settled by the House</p> <p>Entirely a domestic matter to be discussed and settled internally</p>	17	56.67	12	3	2
		13	43.33	5	5	3
32.	<p><u>Views on mutual trust as a foundation of political life</u></p> <p>Indispensable element consisting of a common ethos across party lines</p> <p>Important element but extent and/or effectiveness exaggerated</p> <p>Not important; no mutual trust in the House; only mutual suspicion</p>	16	53.33	8	5	3
		12	40.00	8	3	1
		2	6.67	1	0	1
33.	<p><u>Views on whether M.P.s should be regulated by the Prevention of Corruption Acts or Parliamentary Privilege in their parliamentary capacity as regards corruption</u></p> <p>Prevention of Corruption Acts only</p> <p>Parliamentary Privilege only</p> <p>Both Corruption Acts and Parliamentary Privilege</p> <p>Do not know</p>	14	46.67	11	1	2
		11	36.67	2	6	3
		3	10.00	3	0	0
		2	6.67	1	1	0

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
34.5	<p>(a) <u>What does respondent understand by the term Corruption?</u></p> <p>Respondent emphasised:</p> <p>Legal aspect; i.e. dishonest practice for money</p> <p>Conflict of interest; i.e. where personal financial interest overcomes or distorts Member's public duty as M.P.</p> <p>Benefit to Member or other; i.e. doing something for one's own advantage or to the advantage of someone else for money, position or benefit in kind</p> <p>Moral as well as pecuniary aspect of corruption</p> <p>(b) <u>Views on how far conflict of interest overlaps with corruption</u></p> <p>Totally different terms; corruption associated with behaviour for personal financial gain whereas conflict of interest need have no connotation of personal gain, and in a non-pecuniary sense is endemic to politics</p> <p>Potentially overlapping terms; conflict of interest may arise innocently but could be resolved in a corrupt way.</p> <p>Overlapping terms; no strict demarcation between the two terms. Both conflict of interest and corruption loosely defined as conflict between private interest and public duty with conflict of interest shading off into corruption</p> <p>Other</p> <p>Do not know</p> <p><u>Views on what aspects of being an M.P. provide an opportunity for conflict of interest and possibly corrupt activity</u></p> <p>Potential scope for promoting interests on the Floor of House or in Committee</p> <p>Access to people of influence, particularly Ministers</p>	12	40.00	6	4	2
		11	36.67	5	4	2
		4	13.33	4	0	0
		3	10.00	2	0	1
		8	26.67	5	2	1
		11	36.67	2	5	4
		8	26.67	7	1	0
		2	6.67	2	0	0
		1	3.33	1	0	0
+ 35.		13	35.14	8	4	1
		12	40.00	5	5	2

Question No.	Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
	No.	%			
35 (Cont)	16	53.33	11	3	2
	4	13.33	4	0	0
	3	10.00	2	0	1
	6	20.00	4	1	1
36.	2	6.67	1	0	1
	11	36.67	9	1	1
	17	56.67	6	7	4
37.	22	73.33	10	7	5
	3	10.00	2	1	0
	5	16.67	5	0	0

Question No.	Additional information collected on respondents (but not included in the random sample interview schedule)	Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)	
		No.	%				
38.	<u>Age of respondent in 1974</u> Under 35 years 35 and under 40 40 and under 45 45 and under 50 50 and under 55 55 and under 60 60 and under 65 65 and above <u>Age of respondent in 1979</u> Under 35 35 and under 40 40 and under 45 45 and under 50 50 and under 55 55 and under 60 60 and under 65 65 and above	1	3.33	0	1	0	
		6	20.00	3	1	2	
		7	23.33	4	1	2	
		3	10.00	2	1	0	
		4	13.33	3	1	0	
		6	20.00	3	2	1	
		3	10.00	2	1	0	
		0	0	0	0	0	
		0	0	0	0	0	
		1	3.33	0	1	0	
		6	20.00	3	1	2	
		7	23.33	4	1	2	
		3	10.00	2	1	0	
		4	13.33	3	1	0	
6	20.00	3	2	1			
3	10.00	2	1	0			

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
39.	<p><u>Last School attended</u></p> <p>'Clarendon' Schools; i.e. Eton, Harrow, Rugby, etc.</p> <p>Other Public Schools; i.e. all independent schools at any time members of the Headmasters' Conference, and some direct grant grammar schools not independent of the state school system</p> <p>Private Schools; i.e. fee-paying independent schools not represented on the Headmasters' Conference</p> <p>All other Secondary Schools; including grammar schools</p> <p>Elementary only</p>	2	6.67	0	1	1
		9	30.00	2	4	3
		1	3.33	0	0	1
		17	56.67	14	3	0
		1	3.33	1	0	0
40.	<p><u>Last University attended</u></p> <p>Oxford</p> <p>Cambridge</p> <p>Others</p> <p>None</p>	7	23.33	3	3	1
		1	3.33	0	0	1
		11	36.67	8	2	1
		11	36.67	6	3	2
41.	<p><u>Year of entry to House</u></p> <p>Before 1944</p> <p>1944 - 1953</p> <p>1954 - 1963</p> <p>1964 - 1973</p> <p>1974 and above⁷</p>	0	0	0	0	0
		3	10.00	1	1	1
		4	13.33	2	2	0
		15	50.00	11	2	2
		8	26.67	3	3	2

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
42.	<u>Length of service in House up to time of the Motion introducing the Register - May 1974</u> Under 4 months 4 months and under 5 years 5 years and under 10 years 10 Years and under 15 years 15 years and under 20 years 20 years and under 25 years 25 years and under 30 years 30 years and above	8 6 9 3 1 2 1 0	26.67 20.00 30.00 10.00 3.33 6.67 3.33 0	3 3 8 1 1 1 0 0	3 1 1 2 0 1 1 0	2 2 0 0 0 0 0 0
43.	<u>Voting behaviour on the Motion to agree with the recommendations of the Select Committee on Members' Interests (Declaration). 12 June 1975</u> Ayes Noes Absent/Abstained	9 0 21	30.00 0 70.00	8 0 9	1 0 7	0 0 5
44.	<u>(a) Voting behaviour on the Motion to authorise an experiment in the broadcasting of Parliament by Public Sound Broadcasting. 22 February 1975</u> Ayes Noes Absent/Abstained	17 9 4	56.67 30.00 13.33	11 5 1	4 1 3	2 3 0

Question No.		Total Sample (30)		Ayes (17)	Noes (8)	A/A (5)
		No.	%			
44 (Cont)	(b) <u>Voting behaviour on the motion to authorise an experiment in the broadcasting of Parliament by Television. 22 February 1975</u> Ayes Noes Absent/Abstained	14 12 4	46.67 40.00 13.33	9 7 1	4 1 3	1 4 0
						294.

Footnotes

- + All starred questions or parts of questions involved multiple responses. Each category of response was allocated a separate column on the individual coding sheets, and the respondents were coded according to whether or not they mentioned the category. Thus the frequencies for each category in these questions is the number and percentage of the total sample (or stratum) who mentioned the category, and the figures for the question as a whole do not total 30 or 100%.
- 1 This question is only applicable to the 13 respondents who voted no or abstained. Therefore the percentage figures are a percentage of 13 and not 30.
- 2 Part (b) of question 16 is only applicable to the 11 respondents who said yes to part (a). Therefore, the percentage figures are a percentage of 11 and not 30.
- 3 During re-evaluation of the interview schedule and responses after the interviews were completed it was decided to delete question 19 from the coding schedule and the frequencies table because it seemed to produce unreliable responses. Some discussion of the responses will be included in the text.
- 4 In interpreting the figures for the respondents coded as being 'full-time; with no outside interests' and similarly having no outside paid/unpaid employment, it should be taken into account that the totals include 3 Members who are now ministers and are therefore precluded by ministerial rules from pursuing outside interests. All 3 Members previously held outside interests, and gave ministerial office as the reason for relinquishing them. Thus, the totals may overestimate the amount of Members who by choice would regard themselves as full-time with no outside interests.
- 5 The definitions of corruption provided by respondents (Question 34(a)) varied greatly and here have been reduced to very general categories according to the emphasis given by respondents. More detailed discussion of the definitions will be included in the text.

- 6 Although this question has been coded care must be taken in interpreting the responses. Whether a Member responded yes or no appeared to depend on whether he limited his understanding of 'conflict of interest' to conflicts involving a pecuniary aspect, or whether he extended his definition to conflicts of interest of a non-pecuniary kind, which he deemed to be endemic to politics. A Member could in fact have experienced the conflicts which led another Member to be coded in category 3, but, because of his restricted definition of 'conflict of interest', could have answered no to the question and have been coded in category 1. This problem will be discussed further in the text.
- 7 All respondents in the categories '1974 and above' (Question 41) and 'under 4 months' (Question 42) were elected at the General Election in February 1974.

Table 6

Q.2: M.P.'s views on whether they should have less Privacy in the area of Financial Interests and Activities than outside Citizens.

Voting Behaviour	Views on whether MPs should have less privacy		
	Yes	No	Other
Yes	16	0	1
No	5	3	0
A/A	2	3	0
Total	23	6	1

Table 7

Q.2 and Q.7: Of those M.P.s who voted no or abstained:
Preference for Voluntary Register or pre-1974
Practices cross-tabulated with views on Privacy

Preferred Practice	Views on Privacy	
	Limited erosion of privacy	No erosion of privacy
Voluntary Register	3	0
Pre-1974 Practices	2	6
Other	2	0

Table 8

Q.25: M.P.'s Views on Full-time Membership of the House of Commons

Voting Behaviour	Views on whether MPs should be full-time			
	Yes: no outside interests+	Yes: but with outside interests	No	Do not know
Yes	8	6	3	0
No	0	1	6	1
A/A	0	1	4	0
Total	8	8	13	1

+ This was the only category of response to define full-time membership in terms of debarring Members from holding outside interests. Excluding the one Member who gave no opinion, twenty-one Members (approximately 70% of the sample) thought M.P.s should be able to hold outside interests.

Table 9

Q.26(b): Members' involvement in outside paid/unpaid Employment

Voting Behaviour	Does Respondent have outside paid/unpaid employment?	
	Yes	No
Yes	11	6
No	6	2
A/A	4	1
Total	21	9 ⁺

+ This total includes three Ministers (the two 'no' votes and the one 'A/A') who were prohibited by Ministerial rules from holding outside interests. All three, when backbenchers, had previously held outside interests and gave Ministerial Office as the reason for relinquishing them. Therefore, the total of twenty-one Members (or approximately 70% of the sample) may underestimate the proportion of Members who by choice would hold some type of outside employment.

APPENDIX 3Profile of Key Informant Interviews

<u>Name</u>	<u>Location</u>
<u>Clerks of the House of Commons</u>	
Mr K.A. Bradshaw, Clerk Assistant. (Clerk to the 1969 Select Committee on Members' Interests)	H of C
Mr R.S. Lankester, Registrar of Members' Interests.	H of C
Mr D.A.M. Pring, Clerk of the Committees (Former Registrar of Members' Interests).	H of C
Mr C.B. Winnifrith, Deputy Principal Clerk. (Clerk to the 1974 Select Committee on Members' Interests).	H of C
<u>Members of the House of Commons</u>	
Mr J. Ashton	H of C
Mr M. English	H of C
Rt. Hon. M. Foot Leader of the Labour Party (Leader of the House, April 1976 - May 1979)	H of C
Mr W. Hamilton	H of C
Mr I. Mikardo (A former Chairman of the P.L.P.)	H of C
Rt. Hon. J. Enoch Powell, M.B.E.	Home
Rt. Hon. F. Willey (Chairman of the 1974 Select Committee on Members' Interests)	H of C
<u>Members of the House of Lords</u>	
Lord Avebury (formerly Eric Lubbock, Liberal Chief Whip, Member of the 1969 Select Committee on Members' Interests)	Home
Lord Houghton of Sowerby (formerly Rt. Hon. Douglas Houghton. Member of the Salmon Commission, a former Chairman of the P.L.P.)	Home
Lord Glenamara (formerly Rt. Hon. E. Short, Leader of the House, March 1974 - April 1976, Chairman of Labour Sub- Committee on Members' Interests)	Place of Employment

<u>Name</u>	<u>Location</u>
Lord Peart (formerly Rt. Hon. Frederick Peart, Leader of the House, October 1968 - June 1970)	H of L
Lord Strauss (formerly Rt. Hon. G. Strauss, Chairman of the 1969 Select Committee on Members' Interests)	Home
<u>Government Departments</u>	
*	
Cabinet Office	Cabinet Office
*	
Cabinet Office	Cabinet Office
<u>Miscellaneous</u>	
Mr N.D. Ellis, Gen. Sec. of Association of First Division Civil Servants	Place of Employment
Prof. Arnold J. Heidenheimer, ed. of <u>Political Corruption: Readings in Comparative Analysis</u>	London
Mr R.A.C. Hooper, Members' Services Officer, Hammersmith and Fulham Council	Council Offices
Mr M. Madden, Director of Publicity, The Labour Party. (former M.P.)	Labour Party Headquarters
Mr B. Payton, Barrister, Member of Society of Labour Lawyers	Chambers
Mr E. Razzel, Civil Service College	Civil Service College, London
Mr Andrew Roth, Lobby Journalist/Author	Office, London

Notes:

- * These two interviewees, both Civil Servants, requested that they remain anonymous.

H of C - House of Commons

H of L - House of Lords

These interviews were conducted between April 1978 - April 1980.

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APPENDIX 4

Division List Analysis

Voting by Party on the Amendment to the Government's Motion,
Members' Interests (Declaration)(No. 1)¹

Party	Ayes		Noes		Absent or Abstained		Total
Labour	0	0	287 ²	95.67%	13	4.33%	300
Conservative	221 ³	74.92%	29	9.83%	45	15.25%	295
Liberal	0	0	10	71.43%	4	28.57%	14
Others	0	0	10	43.48%	13	56.52%	23
Total (Whole House)	221	34.97%	336	53.16%	75	11.87%	632*

1 Source: Derived from H.C. Debs. Vol. 874, cols. 553-538, Div. 30, Session 1974, 22 May 1974. Although Hansard and Commons Journal (1974) p. 143 records 335 Members voting against the amendment, a count of those names listed as voting with 'Noes' totalled 334. This table works with the latter figure.

² Including Tellers

* Total of Members eligible to vote. It does not include Mr Speaker, Rt. Hon. Selwyn Lloyd (subtracted from 'Others'), Chairman of Ways and Means, Rt. Hon. G. Thomas (Labour), and First Deputy Chairman of Ways and Means, Rt. Hon. H.O. Murton (Conservative). These three Members are excluded from voting because of their appointments. At this time there was no Second Deputy Chairman of Ways and Means.

The percentage figures always refer to the percentage within a category of Members voting in a particular way.

Voting within the Conservative Party on the Amendment
to the Government's Motion, Members' Interests (Declaration)(No.1)¹

Type of Conservative	Ayes		Noes		Absent or Abstained		Total
	Count	Percentage	Count	Percentage	Count	Percentage	
'New' Conservatives ²	36	65.45%	13	23.64%	6	10.91%	55
'Old' Conservatives ³	185	77.08%	16	6.67%	39	16.25%	240
Total	221*	74.92%	29	9.83%	45	15.25%	295 ⁺

¹ Source: Derived from H.C. Debs. Vol. 874, cols. 533-538, Div. 30, Session 1974, 22 May 1974.

² Includes all Conservative Members newly elected to the House at the General Election on 28 February 1974 (Source: Times Guide to the House of Commons, February 1974).

³ Includes all Conservative Members who were Members before the General Election on 28 February 1974 and who were re-elected.

* Includes Tellers

+ Total of Conservatives eligible to vote (it excludes Rt. Hon. H.O. Murton, who, as First Deputy Chairman of Ways and Means is ineligible to vote)

The percentage figures always refer to the percentage within a category of Members voting in a particular way.

Test of Significance

Question: Is there a statistically significant difference in voting behaviour between 'New' and 'Old' Conservatives on the amendment to the Government's motion regarding declaration of interest?

Chi-square test: A chi-square test on Table 11 produced a computed value of $X^2 = 14.7375$. (degrees of freedom = 2)
Value of X^2 when $P = 0.001$ and $N = 2$ is 13.82.

Therefore, we can say with 99.9% confidence that there is a significant difference in voting behaviour between 'New' and 'Old' Conservatives on the amendment to the Government's Motion regarding declaration of interest.

However, a large proportion of the computed values of chi-square derives from the category of 'New' Conservatives who voted against the amendment. The total number of 'New' Conservatives is only 55, and once these have been categorised by voting behaviour the numbers in each cell are low (actual cell values are 6, 13 and 36) with a small number change resulting in a large percentage change. Consequently, the 'New' Conservatives voting against the amendment would appear to have a marked effect upon the significance of the result. It would therefore be more correct to interpret the results of the significance test as being indicative of a tendency for those Conservatives entering the House at the February 1974 General Election to be more likely to vote against the amendment than those Conservatives with longer service in Parliament.

Voting by Party on the Government's Motion, Members' Interests
(Declaration)(No. 2), to establish a
Compulsory Register of Members' Interests¹

Party	Ayes		Noes		Absent or Abstained		Total
Labour	282 ²	94.00%	2	0.67%	16	5.3%	300
Conservative	62	21.01%	168 ²	56.95%	65	22.03%	295
Liberal	10	71.43%	0	0	4	28.57%	14
Others	11	47.83%	0	0	12	52.17%	23
Total (Whole House)	365	57.75%	170	26.90%	97	15.35%	632 ³

¹ Source: Derived from H.C. Debs. Vol. 874, cols. 539-544, Div. 31, Session 1974, 22 May 1974.

² Including Tellers.

³ Total of Members eligible to vote. It does not include Mr Speaker, Rt. Hon. Selwyn Lloyd (subtracted from (Others), Chairman of Ways and Means, Rt. Hon. G. Thomas (Labour), and First Deputy Chairman of Ways and Means, Rt. Hon. H.O. Murton (Conservative). These three Members are excluded from voting because of their appointments. At this time there was no Second Deputy Chairman of Ways and Means.

The percentage figures always refer to the percentage within a category of Members voting in a particular way.

Voting within the Conservative Party on the Government's
Motion, Members' Interests (Declaration)(No. 2), to
establish a Compulsory Register of Members' Interests¹

Type of Conservative	Ayes		Noes		Absent or Abstained		Total
'New' Conservatives ²	21	38.18%	26	47.27%	8	14.55%	55
'Old' Conservatives ³	41	17.08%	142	59.17%	57	23.75%	240
Total	62	21.02%	168*	56.95%	65	22.03%	295 ⁺

¹ Source: Derived from H.C. Debs. Vol. 874, cols. 539-544, Div. 31, Session 1974, 22 May 1974.

² Includes all Conservative Members newly elected to the House at the General Election on February 28 1974. (Source: Times Guide to the House of Commons, February 1974).

³ Includes all Conservative Members who were Members before the General Election on 28 February 1974 and who were re-elected.

* Includes Tellers

+ Total of Conservatives eligible to vote (it excludes Rt. Hon. H.O. Murton, who as First Deputy Chairman of Ways and Means is ineligible to vote).

The percentage figures always refer to the percentage within a category of Members voting in a particular way.

Test of Significance

Question: Is there a statistically significant difference in voting behaviour between 'New' and 'Old' Conservatives on the Government's motion to establish a Compulsory Register of Members' Interests?

Chi-square test: A chi-square test on Table 13 produced a computed value of $X^2 = 12.3409$ (degrees of freedom = 2)
 Value of X^2 when $P = 0.01$ and $N = 2$ is 9.210
 Value of X^2 when $P = 0.001$ and $N = 2$ is 13.82

Therefore we can say with 99% confidence that there is a statistically significant difference in voting behaviour between 'New' and 'Old' Conservatives on the Government's motion to establish a Compulsory Register of Members' Interests.

However, a large proportion of the computed value of chi-square derives from the category of 'New' Conservatives who voted for a Compulsory Register. As in Table 11, the total number of 'New' Conservatives is only 55, and once these have been categorised by voting behaviour the numbers in each cell are low (actual cell values are 8, 21 and 26) with a small number change resulting in a large percentage change. Consequently, the 'New' Conservatives voting for a Compulsory Register would appear to have a marked effect upon the significance of the result. It would therefore be more correct to interpret the result of the significance test being indicative of a tendency for those Conservatives entering the House in February 1974 to be more likely to vote for a Compulsory Register than those Conservatives with longer service in Parliament.

Voting by Party on the Government's Motion,
Members' Interests (Declaration)(No. 1), to agree with the
Recommendations made in the Report of the Select Committee
on Members' Interests (Declaration)¹

Party	Ayes		Noes		Absent or Abstained		Total
Labour	137 ²	45.97%	1	0.36%	160	53.69%	298
Conservative	33	11.19%	20 ²	6.78%	242	82.03%	295
Liberal	4	28.57%	0	0	10	71.43%	14
Others	9	39.13%	2 ²	8.70%	12	52.17%	23
Total (Whole House)	183	29.05%	23	3.65%	424	67.30%	630 ³

¹ Source: Derived from H.C. Debs. Vol. 893, cols. 799-802, Div. 231, Session 1974/75, 12 June 1975.

² Including Tellers.

³ Total of Members eligible to vote. It does not include Mr Speaker, Rt. Hon. Selwyn Lloyd (subtracted from 'Others'), Chairman of Ways and Means, Rt. Hon. G. Thomas (Labour), First Deputy Chairman of Ways and Means, Rt. Hon. H.O. Murton (Conservative) and Second Deputy Chairman of Ways and Means, Sir Myer Galpern (Labour). These four Members are excluded from voting because of their appointments. Further, one seat was vacant. A by-election was pending at Greenwich, Woolwich West, owing to the death on 19 March 1975 of Mr W. Hamling (Labour).

The percentage figures always refer to the percentage within a category of Members voting in a particular way.

Voting by Party on the Amendment proposed by Mr J. Golding (Labour)
to the Motion, Members' Interests (Declaration)(No. 2)¹

Party	Ayes		Noes		Absent or Abstained		Total
Labour	76 ²	25.50%	51 ²	17.11%	171	57.38%	298
Conservative	2	0.68%	32	10.85%	261	88.47%	295
Liberal	0	0	4	28.57%	10	71.43%	14
Others	0	0	9	39.13%	14	60.87%	23
Total (Whole House)	78	12.38%	96	15.24%	456	72.38%	630 ³

¹ Source: Derived from H.C. Debs. Vol. 893, cols. 801-804, Div. 232, Session 1974/75, 12 June 1975.

² Including Tellers.

³ Total of Members eligible to vote. It does not include Mr Speaker, Rt. Hon. Selwyn Lloyd (subtracted from 'Others'), Chairman of Ways and Means, Rt. Hon. G. Thomas (Labour), First Deputy Chairman of Ways and Means, Rt. Hon. H.O. Murton (Conservative) and Second Deputy Chairman of Ways and Means, Sir Myer Galpern (Labour). These four Members are excluded from voting because of their appointments. Further, one seat was vacant. A by-election was pending at Greenwich, Woolwich West, owing to the death on 19 March 1974 of Mr W. Hamling (Labour).

The percentage figures always refer to the percentage within a category of Members voting in a particular way.

APPENDIX 5

Information from the Register of Members' Interests

Comprises: Letter and form sent to Members from the Registrar,
tables derived from the Registrar.

The Register of Members' Interests

House of Commons, London SW1A 0AA

June 1975

In accordance with the Resolutions of the House of 22nd May, 1974 and 12th June, 1975, I enclose a form on which you should enter details of your registrable interests, together with a copy of the Report of the Select Committee on Members' Interests (Declaration).

I would remind you that this form should be completed and returned to me within **four weeks** of the above date.

I would also remind you that the Resolutions require you to notify me of any changes which may occur in your registrable interests within four weeks of the changes occurring.

As soon as practicable after the return of all the forms a Register containing the details entered on the forms will be printed and published as a House of Commons paper by Her Majesty's Stationery Office. At the same time a copy of the Register will be open for inspection to the public as well as to Members.

It was agreed by the House that:

'The purpose of this Register is to provide information of any pecuniary interest or other material benefit which a Member of Parliament may receive which might be thought to affect his conduct as a Member of Parliament or influence his actions, speeches or vote in Parliament.'

The House also decided that entries in the Register should disclose only the sources and not the amounts of the remuneration and benefit, and that interests should be entered which date from the first day of the present Parliament.

I hope that this information will help you to complete your form without too much difficulty. If you have any difficulty, I will be pleased to help if I can. I need hardly add that any discussions would be on a completely confidential basis. My telephone number is 01-219 3277 (House of Commons Extension 3277) and my room is in the Committee Office.

DAVID PRING

Registrar of Members' Interests

Register of Interests

NOTES:

- i. For details of the information which is required to be registered, see the Report of the Select Committee on Members' Interests (Declaration), especially paragraphs 12 to 28.
- ii. If there is not enough space on this form for the information needed, other papers can be attached to it; but each such paper should carry the Member's signature.

JUNE 1975

 Name

 Constituency

Registrable Interest
Details

* **1** Remunerated directorships of companies, public or private

* **2** Remunerated employments or offices

* **3** Remunerated trades, professions or vocations

4 The names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the House

Registrable Interest	Details
<p>5 Financial sponsorships a as a Parliamentary candidate where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or b as a Member of Parliament by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage direct or indirect</p>	
<p>6 Overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds</p>	
<p>7 Any payments or any material benefits or advantages received from or on behalf of foreign Governments, organisations or persons</p>	
<p>8 Land and property of a substantial value or from which a substantial income is derived</p>	
<p>9 The names of companies or other bodies in which the Member to his knowledge has, either himself or with or on behalf of his spouse and infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital</p>	

Signature

Composition of the House of Commons as on
1st November 1975 and as on 13th February 1979¹

Party	Number of MPs	
	1975	1979
Conservative	277 ²	282
Labour ³	303	292*
Labour and Co-operative ³	15	16
Liberal	13	13
United Ulster Unionist Council	10	2
Ulster Unionist	0	8
Scottish Nationalist	11	11
Scottish Labour	0	2
Plaid Cymru	3	3
Social Democratic Labour	1	1
Independent	1	1
Non Party	1	1
Total	635	632⁺

Footnotes:

1 Sources: Vacher's Parliamentary Companion, November 1975, No. 1000 (corrected to 22nd October 1975) and February 1979, No. 1013 (corrected to 31st January 1979).

² Including the Speaker: Rt. Hon. Selwyn Lloyd

³ For the purposes of all other tables in this research, Labour and Labour and Co-operative are combined under the heading 'Labour'.

* Including the Speaker: Rt. Hon. George Thomas.

+ Three By-elections were outstanding as of 13th February 1979 (when the data was collected) and the number of MPs in the House eligible to register is therefore taken as 632 in 1979 and not 635. The vacant seats were Clitheroe, Edge Hill and Knutsford.

Registration as on 1st November 1975 and 13th February 1979¹

Registered Entry	Number of MPs		% of House ²	
	1975	1979	1975	1979
One or more entries	550 ³	561 ³	86.6%	88.8%
Registered 'Nil'	84	70	13.2%	11.1%
Refused to Register	1	1	0.2%	0.2%
	635	632 [*]	100.0%	100.0%

Footnotes:

- 1 Sources: Register of Members' Interests as on 1st November 1975. HC. 699, First Edition.
Register of Members' Interests as on 13th February 1979 - amended Master Copy kept by Registrar at the House of Commons.
- ² Totals may not agree due to rounding to first place of decimals.
- ³ Includes Speaker.
- * At the time of collecting the data (13.2.1979) there were three By-elections outstanding - Clitheroe, Edge Hill and Knutsford. Therefore the number of MPs eligible to register at that point in time was 632 not 635.

TABLE 17

Number of MPs by Party Registering 'Nil' - 1975 and 1979¹

Party	Total of MPs		% of Party ²	
	1975	1979	1975	1979
Labour	63	54	19.8%	17.5%
Conservative	10	5	3.6%	1.8%
Liberal	2	2	15.4%	15.4%
Other ³	9	9	33.3%	31.0%
Total (Whole House)	84	70	13.2%	11.1%

Footnotes:

1. Sources: Register of Members' Interests as on 1st November 1975, HC. 699, First Edition.
Register of Members' Interests as on 13th February 1979 - amended Master Copy kept by Registrar at the House of Commons.
2. The percentage figures always refer to the percentage within a particular category of Members. i.e. 19.8% of the Labour Party registered 'nil' in 1975.
3. The category 'other' is made up of all those Members who do not belong to the Labour, Conservative or Liberal Party. As the figures calculated for this category are therefore for an aggregate of parties they are not meaningful in the same way as the figures calculated for single parties. This is applicable to all the tables. The composition of 'other' can be found by reference to figures in Table 16. This category aggregated 27 Members in 1975 and 29 Members in 1979.

TABLE 18

Classified entries in the Register as on 1 November 1975
and 13 February 1979

Abbreviated heading in the Register	Number of MPs making entry under heading ¹		% of House ²	
	1975	1979	1975	1979
1. Directorships	187	190	29.4%	30.1%
2. Employment or office	136	158	21.4%	25.2%
3. Trades or professions etc.	268	284	42.2%	44.9%
4. Clients	23	21	3.6%	3.3%
5. Financial sponsorships	160	163	25.2%	25.8%
6. Overseas visits	132	185	20.8%	29.3%
7. Payments etc. from abroad	27	23	4.6%	3.6%
8. Land and property	81	90	12.8%	14.2%
9. Declarable shareholdings	108	105	17.0%	17.2%

Sources: Register of Members' Interests as on 1 November 1975. H.C. 699. First Edition. Register of Members' Interests as on 13th February 1979 - amended Master Copy kept at the House of Commons.

Notes:

- 1 The total for each heading is the number of MPs who have made one or more entries under that heading. It does not record the amount of entries each MP made under that heading.
- 2 The percentage of those MPs in the House eligible to register who made one or more entries under that heading. As Members could have entries under more than one category the percentage columns will not total 100%.

TABLE 19

Classified entries in the Register by Party - as on 1 November 1975 and 13 February 1979

Abbreviated heading in the Register	Labour MPs ¹			Conservative MPs ²			Liberal MPs			Others						
	1975		1979	1975		1979	1975		1979	1975		1979				
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%				
1. Directorships	25	7.9	23	7.5	151	54.5	158	56.0	6	46.2	6	46.2	5	18.5	3	10.3
2. Employment or office	38	11.9	42	13.6	91	32.9	108	38.3	3	23.1	4	30.8	4	14.8	4	13.8
3. Trades or professions etc.	96	30.2	105	34.1	155	56.0	161	57.1	7	53.8	7	53.8	10	37.0	11	37.9
4. Clients	7	2.2	4	1.3	16	5.8	17	6.0	0	0	0	0	0	0	0	0
5. Financial sponsorship	157	49.4	160	51.9	2	0.7	2	0.7	1	7.7	1	7.7	1	7.7	0	0
6. Overseas visits	65	20.4	78	25.3	64	23.1	103	36.5	1	7.7	2	15.4	2	7.4	2	6.9
7. Payments etc. from abroad	12	3.8	9	2.9	14	5.1	14	5.0	1	7.7	1	7.7	0	0	0	0
8. Land and property	14	4.4	17	5.5	61	22.0	68	24.1	4	30.8	4	30.8	2	7.4	1	3.4
9. Declarable shareholdings	17	5.3	18	5.8	88	31.8	88	31.2	2	15.4	3	23.1	1	3.7	0	0

Sources: Register of Members' Interests as on 1st November 1975. HC. 699. First edition.

Register of Members' Interests as on 13th February 1979 - amended Master Copy kept at the House of Commons.

Notes:

1 Includes the Speaker in 1979 (Rt. Hon. George Thomas)

2 Includes the Speaker in 1975 (Rt. Hon. Selwyn Lloyd)

The Speaker does make an entry in the Register and for the purposes of this table is placed in the party of origin.

The total number of MPs for each heading is the number of MPs who have made one or more entries under that heading. It does not record the amount of entries each MP made under that heading.

Notes (Continued):

The percentage figures always refer to the percentage within a particular category of Members, i.e. 7.9% of the Labour Party made one or more entries under 'Directorships' in 1975. As Members could have entries under more than one category the percentage columns will not total 100%.

TABLE 20

List of Members entering 'nil' in the First Edition of the Register

<u>Member</u>	<u>Party</u>
Alison, Michael (Barkston Ash)	Con.
Armstrong, Ernest (Durham N. West)	Lab.
Atkins, Ronald (Preston North)	Lab.
Bain, Mrs Margaret (East Dunbarton)	SNP.
Bates, Alfred (Bebington and Ellesmere Port)	Lab.
Bennett, Andrew (Stockport North)	Lab.
Blenkinsop, Arthur (South Shields)	Lab.
Boothroyd, Miss Betty (Bromwich West)	Lab.
Bradford, Rev. Robert (Belfast S)	UUUC
Brown, Hugh (Glasgow, Provan)	Lab.
Callaghan, James (Middleton and Prestwich)	Lab.
Canavan, Dennis (West Stirlingshire)	Lab.
Cant, Robert (Stoke on Trent Central)	Lab.
Castle, Rt. Hon. Mrs Barbara (Blackburn)	Lab.
Clemitsen, Ivor (Luton East)	Lab.
Cockcroft, John (Nantwich)	Con.
Cohen, Stanley (Leeds, S.E.)	Lab.
Colquhoun, Mrs Maureen (Northampton N)	Lab.
Cook, Robin (Edinburgh Central)	Lab.
Crosland, Rt. Hon. Anthony (Grimsby)	Lab.
Dempsey, James (Coatbridge and Airdrie)	Lab.
Dormand, John (Easington)	Lab.
Ellis, Tom (Wrexham)	Lab.
Fell, Anthony (Yarmouth)	Con.
Fitt, Gerald (Belfast West)	SDLP
Forrester, John (Stoke-on-Trent)	Lab.
Fowler, Gerald (The Wrekin)	Lab.
Freeson, Reginald (Brent East)	Lab.
Gilbert, John (Dudley East)	Lab.
Grant, John Douglas (Islington Central)	Lab.
Grist, Ian (Cardiff N)	Con.
Grocott, Bruce (Lichfield and Tamworth)	Lab.
Hattersley, Rt. Hon. Roy (Birmingham Sparkbrook)	Lab.
Hatten, Frank (Moss Side)	Lab.

<u>Member</u>	<u>Party</u>
Healey, Rt. Hon. Denis (Leeds East)	Lab.
Jones, Stephen Barry (East Flint)	Lab.
Kilroy Silk, Robert (Ormskirk)	Lab.
Latham, Arthur (Paddington)	Lab.
Lestor, Miss Joan (Eton and Slough)	Lab.
Lever, Rt. Hon. Harold (Manchester Central)	Lab.
Litterick, Thomas (Birmingham, Selly Oak)	Lab.
Lyon, Alexander (York)	Lab.
MacCormick, Iain (Argyll)	SNP.
McCusker, Harold (Armagh)	UUUC
McElhone, Frank (Glasgow, Queens Park)	Lab.
Mackenzie, Gregor (Rutherglen)	Lab.
MacLennan, Robert (Caithness and Sutherland)	Lab.
Madden, Max (Sowerby)	Lab.
Mahon, Simon (Bootle)	Lab.
Marks, Kenneth (Manchester, Gorton)	Lab.
Marshall, Dr. Edmund (Goole)	Lab.
Marshall, James (Leicester South)	Lab.
Maxwell Hyslop, Robin (Tiverton)	Con.
Mendleson, John (Penistone)	Lab.
Miller, Mrs Millie (Redbridge, Ilford N)	Lab.
Molyneaux, James (South Antrim)	UUUC
Morgan-Giles, Rear Admiral M.C. (Winchester)	Con.
Morris, Rt. Hon. John (Aberavon)	Lab.
Murray, Rt. Hon. Ronald King (Edinburgh, Leith)	Lab.
Noble, Michael (Rossendale)	Lab.
O'Halloran, Michael (Islington N)	Lab.
Ovenden, John (Gravesend)	Lab.
Parker, John (Barking, Dagenham)	Lab.
Parry, Robert (Liverpool, Scotland Exchanges)	Lab.
Penhaligon, David (Truro)	Lib.
Price, William (Rugby)	Lab.
Rowlands, Edward (Merthyr Tydfil)	Lab.
Shaw, Arnold (Redbridge, Ilford S)	Lab.
Short, Rt. Hon. Edward (Newcastle upon Tyne Central)	Lab.
Spearing, Nigel (Newham S)	Lab.

<u>Member</u>	<u>Party</u>
Stewart, Donald (Western Isles)	SNP
Stradling, Thomas, John (Monmouth)	Con.
Summerskill, Hon. Dr. Shirley (Halifax)	Lab.
Thatcher, Rt. Hon. Mrs Margaret (Barnet, Finchley)	Con.
Thompson, George (Galloway)	SNP
Thorpe, Rt. Hon. Jeremy (N. Devon)	Lib.
Townsend, Cyril (Bexley, Bexleyheath)	Con.
Walker, Terence (Kingswood)	Lab.
Watkinson, John (West Gloucestershire)	Lab.
Welsh, Andrew (South Angus)	SNP
Williams, Alan John (Swansea West)	Lab.
Williams, Alan Lee (Eaverling Hornchurch)	Lab.
Wise, Mrs Audrey (Coventry South West)	Lab.
Young, Sir George (Ealing, Acton)	Con.

Source: Register of Members' Interests as on 1st November 1975.
H.C. 699.

(Fig. 4)

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Not all the references in the study have been included in this bibliography. Instead, the more important and the more general references in each chapter have been selected. It does not include reference works on Parliament or Parliamentary Papers which are listed separately.

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Britain

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Canada

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the President of the Privy Council, July 1973. Tabled 27 November 1974.

Information on specific points about the House of Commons was obtained
from the Public Information Office at the House of Commons, London,
SW1A 0AA. (01-219 4272).

Newspapers

As explained in Chapter 2, national newspapers were widely used as
a documentary source, particularly for periods when the Public Record
Office archives were closed. The main newspapers consulted were:
The Times, The Guardian, The Daily Telegraph, The Sunday Times, The
Sunday Telegraph and The Observer.

ABBREVIATIONS

col(s).	column number(s)
Cons.	Conservative
CJ	Journal of the House of Commons
Cmd.	Command Paper
EDM	Early Day Motion
HC (followed by a number)	House of Commons Paper
HC Debs (Parl. Debs)	Parliamentary Debates: House of Commons (<u>Hansard</u>)
Hon.	Honourable
Lab.	Labour
Lib.	Liberal
MP	Member of Parliament
PQ	Parliamentary Question
PR	Public Relations
PRO	Public Record Office
PLP	Parliamentary Labour Party
SNP	Scottish National Party
UU	Ulster Unionist
UUUC	United Ulster Unionist Council
Vol.	Volume