



Northern Ireland
Assembly

Research and Information Service Briefing Note

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Ray McCaffrey

Impact of rules on lobbying in relation to overseas visits

1 Introduction

This briefing note has been prepared for the Committee on Standards and Privileges following its meeting on 11 June 2014. During its discussion at that meeting, the issue was raised about how tighter rules on lobbying could potentially limit Members' ability to undertake study visits and other overseas trips as part of their duties as elected representatives.

This note sets out the position in other legislatures on the specific issue of overseas visits. It also includes examples taken from the relevant register of interests where Members have recorded overseas trips paid for by foreign governments/organisations.

The paper should be read in conjunction with paper NIAR 69/14, which outlines the rules on the receipt of gifts and hospitality.

2 What are the rules and do they limit overseas visits?

As discussed in previous papers, legislatures in the UK, Ireland and United States regulate interaction between elected representatives and lobbyists and impose reporting obligations for the receipt of gifts and hospitality. However, these rules do not impact on the ability of Members to undertake overseas visits sponsored by foreign

governments or organisations. The following examples demonstrate that the House of Commons, House of Lords, Scottish Parliament and National Assembly for Wales have in place strict rules for the registration and reporting of such visits.

House of Commons

Category 6 of the Guide to the Code of Conduct¹ sets out the procedures for registering and reporting overseas visits:

- Name of donor
- Address of donor (the address of individuals will not be published)

Amount of donation (if there is no commercial equivalent, and the Member believes the value to have exceeded £1,500, the Member should provide a statement that he or she has been unable to ascertain the value of the donation but believes it to have been more than £1,500)

- Destination of Visit
- Date of Visit
- Purpose of Visit

Where only part of the cost was borne by an outside source (for example the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a registered All-Party or parliamentary group or by a party backbench group, it is not sufficient to name the group as the sponsor of the visit: the Government, organisation, company or person ultimately meeting the cost should be specified.

Examples of overseas visits undertaken by MPs²

Adrian Bailey	<p>Overseas visits</p> <p>Name of donor: BASF plc Address of donor: PO Box 4, Earl Road, Cheadle Hulme, Cheshire SK8 6QG Amount of donation (or estimate of probable value): BASF paid directly for flights with a value of £320.95, accommodation with a value of £110.97 and hospitality, transfers and other incidentals with a value of £314.97; total £746.89 Destination of visit: BASF Chemical complex, Ludwigshafen, Germany Date of visit: 23-24 July 2013 Purpose of visit: Industry and Parliament Trust Industry</p>
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¹ House of Commons, Code of Conduct: <http://www.publications.parliament.uk/pa/cm/cmcode.htm>

² Register of Members' Interests, accessed 26 June 2014

<http://www.publications.parliament.uk/pa/cm/cmregmem/contents1415.htm>

	visit to the BASF complex in Ludwigshafen. (Registered 29 August 2013)
Robert Halfon	<p>Overseas visits</p> <p>Name of donor: Conservative Friends of Israel Address of donor: 45b Westbourne Terrace London W2 3UR Amount of donation (or estimate of the probable value): flights and accommodation etc to a value of £2,000 Destination of visit: Israel and the West Bank Date of visit: 16-21 February 2014 Purpose of visit: fact finding political delegation to Israel and the West Bank (Registered 18 March 2014)</p>
Sir Malcolm Rifkind	<p>Overseas visits</p> <p>Name of donor: (1) MSC (2) Global Zero Operations Address of donor: (1) Prinzregentenstraße 7, D-80538 Munich (2) 1779 Massachusetts Avenue, Suite 615, Washington DC 20036 Amount of donation (or estimate of the probable value): (1) Return flights to Munich, value flights £676 (2) hotel 3 nights approx £1,000 Destination of visit: Munich Security Conference Date of visit: 30 January - 2 February 2014 Purpose of visit: To attend Munich Security Conference (Registered 10 April 2014)</p>

House of Lords

Category 7 of the Code of Conduct and accompanying guide sets out the position in relation to overseas visits. It states:

Members should enter in the Register the date, destination and purpose of the visit and the name of the government, organisation, or individual which met the cost. Where only part of the cost was borne by an outside source (for example the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a registered All-Party or parliamentary group or by a party backbench group, it is not sufficient to name the group as the sponsor of the visit: the government, organisation, or person ultimately meeting the cost should be specified.

Examples of overseas visits by Peers³

The following are a few examples of the nature of overseas trips taken by peers⁴:

Lord Ahmed	<p>Category 7: Overseas visits</p> <p>Visit to Chicago, USA, 17-21 April 2014; travel and accommodation was provided by Sound Vision and Radio Islam</p> <p>Visit to Kish Island, Iran, 3-5 May 2014, to attend International Muslim Business Forum; travel, food and accommodation were arranged and costs met by Imexpo</p> <p>Visit to Berlin, Germany, 13-16 March 2014, to speak at Institute of Cultural Diplomacy; all travel and accommodation paid by Kashmir Free Organisation</p> <p>Visit to Dallas, Texas, 31 January - 2 February 2014, to attend international conference organised by SoundVision Chicago, USA; all travel and accommodation costs were met by conference organisers</p> <p>Visit to Tehran, 17-21 January 2014, to attend the Majma Conference; all travel and accommodation paid by World Forum for Proximity of Schools of Thought (27th International Islamic Unity Conference)</p> <p>Visit to Toronto, 23-26 May 2014; all costs of travel and accommodation was paid by the Friends of Kashmir, Canada</p>
Baroness Garden of Frognal	<p>Category 7: Overseas visits</p> <p>Visit to Spain, 28-30 May 2014, at invitation of Diplocat (Public Diplomacy Council of Catalonia), as a member of a parliamentary fact-finding mission to Catalonia; cost of flights, internal travel and two nights' hotel accommodation met by Diplocat; cost of meals met by Diplocat, Catalanian Parliament and Mayor of Sant Cugat</p> <p>Visit to Japan, 13-19 May 2014, as a Director of UK-Japan 21st Century Group, to attend meetings in Tokyo and the Annual Meeting in Hakone; cost of business class flights, internal travel, 5 nights' hotel accommodation and conference costs, including meals, were met by UK-Japan 21st Century Group</p> <p>Visit to France, 12-13 June 2014, as member of</p>

³ Register of Lords' Interests, accessed 26 June 2014: <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

	delegation to Airbus, Toulouse for briefings and visit to aircraft assembly lines; cost of standard flights, one night's hotel accommodation and hospitality met by Airbus Industrie
Lord Sassoon	<p>Category 7: Overseas visits</p> <p>Visit to Beijing and Tianjin, 12-18 January 2013, for Sixth UK-China Leadership for the Future Forum (meeting of UK parliamentarians with senior members of Communist Party of China); travel costs met by Barclays, BP and Rolls Royce; accommodation costs met by Communist Party of China</p>

Scottish Parliament

The Code of Conduct⁵ provides advice and guidance to MSPs on overseas visits:

Travel and subsistence

2.3.8 Members are not required to register the costs of travel and subsistence in connection with attendance at a conference or meeting if those costs are borne in whole or in part by the organiser of the conference or by one of the other parties attending the meeting. However, attendance at an overseas conference or meeting may require to be registered as an overseas visit.

2.4: Overseas Visits – Schedule, paragraph 7

A member has a registrable interest:

(1) Where a member makes, or has made, a visit outside the United Kingdom and that visit meets the prejudice test.

(2) Sub paragraph (1) does not apply to a visit, the travel and other costs of which—

(a) are wholly met—

- (i) by the member;
- (ii) by the member's spouse, civil partner or cohabitant;
- (iii) by the member's mother, father, son or daughter;
- (iv) by the Parliamentary corporation; or
- (v) out of the Scottish Consolidated Fund; or

(b) were approved prior to the visit by the Parliamentary corporation.

“Prejudice test” an interest meets the prejudice test if, after taking into account all of the circumstances, that interest is reasonably considered to prejudice, or give the

⁵ Scottish Parliament, Code of Conduct, accessed 26 June 2014: <http://www.scottish.parliament.uk/msps/12446.aspx>

appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament.

Guidance on overseas visits

2.4.1 A member is required to register and provide details of a visit outside the United Kingdom where the visit meets the prejudice test. For the purposes of registration, the date upon which a visit becomes registrable is the final day of any such visit. Under the terms of the Act, members then have 30 days to lodge a written statement with the clerks reflecting this interest.

2.4.2 Certain overseas visits are excluded from the requirement to register. These are visits, the travel and other costs of which are wholly met—

- by the member;
- by the member's spouse, civil partner or cohabitant;
- by the member's mother, father, son or daughter;
- by the Scottish Parliamentary Corporate Body (SPCB); or
- out of the Scottish Consolidated Fund (for example, Ministerial visits).

2.4.3 There is also no need to register visits the costs of which were approved in advance by the SPCB.

2.4.4 There may be occasions when fees or expenses for work undertaken overseas fall into the remuneration rather than overseas visits category. Equally, certain overseas visits and related costs may fall within the gifts category. Members are advised to seek advice from the Standards clerks if they are uncertain about which category an interest should be registered in.

2.4.5 Visits within the United Kingdom and the provision of hospitality in the United Kingdom are not covered by this provision although members may register these on a voluntary basis if they believe that disclosure would be in the public interest. Depending on the value, and subject to meeting the prejudice test these may also fall within the gifts category. Similarly hospitality provided abroad not directly linked to the cost of the visit itself does not need to be registered under the overseas visits category. Again, however, members need to take account of the value of that hospitality as it may require to be registered as a gift.

2.4.6 Members should note that committee travel outwith the UK may fall to be registered. Members are advised to seek advice from the relevant committee clerk regarding prior approval by the SPCB. Members may also consult the Standards clerks for further advice on seeking SPCB approval for certain visits overseas.

2.4.7 Where registration is required, members should provide details of the dates, destination and purpose of the visit along with the name of any individual, business or

organisation which met any of the costs. Members must also provide the principal business address of the business or organisation (but not that of a private individual) which met the costs of the trip and the nature of the business (but not that of a private individual). Members must provide details of the cost of the visit, ideally split between travel and expenses. Costs can be provided in the currency in which they were incurred, however members may also wish to include the estimated value in sterling and the date of the currency conversion upon which this estimate is based.

2.4.8 Members must also take steps to register any overseas visits that they have accidentally overlooked, or had not realised required to be registered, as soon as possible and in all cases, within seven days of becoming aware of it. Members should refer to Section 1.2.13 of Volume 2 of this Code for further guidance on late registration.

Examples of overseas visits by MSPs⁶

Clare Adamson	<p>Overseas visits</p> <p>From 7 October to 13 October 2012 I was part of a cross party delegation of MSPs who visited the Republic of China (Taiwan) at the invitation of the Director General, Taipei Representative Office (Edinburgh Office) in the UK, Ministry of Foreign Affairs, Republic of China Department (of 1 Melville Street Edinburgh, EH3 7PE). The delegation held meetings with a number of government departments, schools, trade and cultural organisations including the Taipei City authority, Ministry of Justice, Directorate of European Affairs, The Straits Exchange Foundation, Hinchu Science Park, Mayor of Tainan, Tainan Municipal Jhongsiao Junior High School, Changhua Christian Hospital, Tzu Chi Foundation, British Council, Taiwan Women's Centre, Green Energy and Environment research Laboratories, Industrial Technology Research Institute and Taiwan Handicraft Centre. The cost of the visit was £2,200 for return flights, £660 for hotel accommodation, £350 for meals and £70 for transport. All costs (which totalled £3,280) were met by the Department of Foreign Affairs, Republic of China (Taiwan).</p>
Claudia Beamish	<p>Overseas visits</p> <p>From 30 November to 4 December 2012, I visited Gaza, in order to meet with officials and members of the Palestinian public to discuss the political and humanitarian situation there. The costs of the visit, £850, were met by the Council for European Palestinian Relations (CEPR), an organisation established to</p>

⁶ Register of Members' Interests, Scottish Parliament, accessed 26 June 2014

	promote dialogue and understanding between European and Arab policy-makers to address the Palestinian predicament (of Rue Montoyer 39, Brussels 1000, Belgium). [Registered 21 December 2012]
Alison McInnes	<p>Overseas visits</p> <p>From 30 May to 1 June 2012 I travelled as a guest of Total E&P UK Ltd (an oil and gas company) to southwest France to visit Total's research centre in Pau and its gas field production site at Lacq. The purpose of the visit was to gain a greater insight into current research and, in particular, the Carbon Capture and Storage pilot project that is being conducted at Lacq. The costs of the visit, including travel, accommodation and meals, were approximately £834 and were met by Total E&P UK Ltd (of Crawpeel Road, Altens, Aberdeen, AB12 3FG). [Registered 7 June 2012]</p>

National Assembly for Wales

The Code of Conduct⁷ states:

Subject to any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, relating to or arising out of membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or by public funds.

Examples of overseas visits undertaken by AMs⁸

Mark Drakeford	<p>Overseas visits</p> <p>Cost of flights and accommodation for visit to Mondragon, Basque, Spain to research work of Mondragon Co-operative movement met by CoOperative Group Ltd.</p>
David Melding	<p>Overseas visits</p> <p>Visit to Williamsburg, Virginia, USA (30 March – 6 April 2012) to deliver a series of lectures on Welsh and British politics. Costs met by College of William and Mary.</p>
David Rees	<p>Overseas visits</p> <p>Geneva, Switzerland (19-20 January 2014) to visit CERN and meet science researchers from Welsh</p>

⁷ National Assembly for Wales Code of Conduct, accessed 26 June 2014: <http://www.assemblywales.org/memhome/pay-expenses-financial-interests-standards/cod-ymddygiad.htm>

⁸ Register of Interests, National Assembly for Wales, accessed 26 June 2014

	universities – paid for by the Science and Technology Facilities Council and the Royal Society of Chemistry 8
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Dail Eireann

Guidelines for Members of Dail Eireann who are not office holders state the reporting requirements for sponsored travel under the Electoral Acts:

Separate from the requirement to prepare statements and declaration of registrable interests pursuant to sections 5 & 7 of the Ethics Acts, the acceptance of free or sponsored travel also gives rise of reporting obligations as set out in the Electoral Act 1997, as amended (the Electoral Acts). The Standards in Public Office Commission has concerns about the implications under electoral legislation of the acceptance by Members of free or sponsored travel. Section 22(2)(a) of the Electoral Acts, defines a donation as any contribution given for political purposes. Section 22(2)(aa) defines political purposes as, inter alia –

to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority...

The donation of free/sponsored travel and accommodation may fall within the definition of a donation and such a donation is subject to the normal aggregation and reporting thresholds and donation limits. The maximum donation that may be accepted by a Member from an individual or a registered corporate donor in any calendar year is now €1,000 and all donations exceeding €600 in aggregate must be disclosed on the member's annual Donation Statement. It is an offence to supply a false or misleading donation statement; it is also an offence to fail to take the appropriate action in relation to a donation which is in excess of the prescribed limit.

The Standards Commission considers that members should take care to ensure that they do not breach the provisions of the Electoral Acts on the acceptance of donations. Any queries on this matter should be directed to the Standards Commission.

Example of overseas visit undertaken by a TD⁹

Robert Dowds	<p>Travel facilities</p> <p>Flights Dublin – Israel via Istanbul, hotel accommodation in Jerusalem and meals while away (10-13 May 2013): Council for European – Palestinian Relations, 8 Duncannon Street, Golden Cross House, London WC2N 4JF, UK.</p> <p>Other Information Provided: Purpose of visit – to assess</p>
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⁹ Register of Members' Interests, accessed 27 June 2014

	the living and political conditions faced by the Palestinian minority in Israel.
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3 Public and media scrutiny of overseas visits

The amount and nature of visits undertaken by MPs has been questioned by the media. In 2010, the BBC ran a story alleging that hundreds of MPs broke parliamentary rules by failing to declare interests after visits to foreign countries. The story alleged that:

The MPs - from Labour, the Tories and the Lib Dems - breached parliamentary regulations on more than 400 occasions. One former standards watchdog says it shows MPs cannot regulate themselves. Some MPs dismissed the breaches as technical errors or oversights¹⁰.

Other stories along similar lines have appeared in various media outlets at different times¹¹.

¹⁰ http://news.bbc.co.uk/1/hi/uk_politics/8580183.stm, accessed 27 June 2014

¹¹ See for example: Daily Telegraph <http://www.telegraph.co.uk/news/politics/9697752/MPs-1.5m-of-foreign-trips-revealed.html> 23 November 2012