

Summary of Investigation

November 2021 - November 2022

Organisation or person investigated

The Rt Hon Owen Paterson (“Mr Paterson”)

Matter(s) investigated

Whether Mr Paterson is an unregistered consultant lobbyist

Registrar’s decision

That Mr Paterson did not undertake consultant lobbying activities during the period October 2016 – January 2017.

Note: This replaces the Registrar’s proposed decision, published in his provisional summary of investigation in October 2022, and follows the receipt of written representations on behalf of Mr Paterson in response to the Registrar’s Notice of Intention.

Summary of rationale for decision

Section 1(1) of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (“the Act”) states that a person must not carry on the business of consultant lobbying unless entered in the Register of Consultant Lobbyists.

Section 2 of the Act defines consultant lobbying. A summary of this definition is: UK VAT registered organisations and individuals who communicate personally with Government Ministers or Permanent Secretaries (and equivalents) on behalf of a third party and in return for payment.

In representations made following the Registrar’s Notice of Intention, Mr Paterson’s solicitors informed the Registrar for the first time that Mr Paterson was not registered for UK VAT when the three communications being investigated were made (and provided evidence to support that contention). The three communications in issue are:

- On 13 October 2016 Mr Paterson wrote to the then Secretary of State for International Development, the Rt Hon Priti Patel MP, regarding Randox.
- On 12 January 2017 Mr Paterson participated in a meeting with the then Minister of State for DfID Rory Stewart MP and Mark Campbell of Randox.
- On 16 January 2017 Mr Paterson wrote to the then Minister of State at DfID, thanking him for the meeting with Randox on 12 January 2017, summarising follow ups and suggesting keeping in close touch.

Under section 2(1)(b) of the Act, for a person to be carrying on the business of consultant lobbying they must be registered for VAT. It is likely that the three communications would otherwise have been registerable if payment had been made to a VAT registered entity.

However, as payment was not made to a VAT registered entity they were not registrable and Mr Paterson was not, at that time, undertaking consultant lobbying activity for the purposes of the Act.

Chronology

Date	Action
29/10/2021	The Guardian reported on Mr Paterson's consultancy work for two companies and potential lobbying on their behalf.
01/11/2021	Formal letter from the Registrar to Mr Paterson giving background on the requirement for registering; asking if his activities in general fall within the criteria to be registered; and in particular with reference to his paid consultancy work for Radox.
16/11/2021	Information Notice sent to Mr Paterson, following no substantive response to the Registrar's letter of 1 November 2021.
10/12/2021	Letter from Mr Paterson's solicitor, Devonshires, amongst other things, requesting the grounds on which the Information Notice was served and requesting cancellation of the Information Notice.
10/12/2021	Devonshires filed an appeal against the Information Notice of 16 November 2021 to the First-tier Tribunal (General Regulatory Chamber) ("the Tribunal").
15/12/2021	Letter from the Registrar to Devonshires, amongst other things, setting out further questions and giving the grounds for issuing the Information Notice.
16/12/2021	Email from Devonshires requesting an extension of the deadline to respond to the Registrar's letter of 15 December 2021.
17/12/2021	Email from the Office giving the Registrar's agreement to an extension to 12 January 2022, for a complete response in relation to his letter, the questions asked and any other relevant information.
11/1/2022	Letter from Devonshires maintaining that no registerable communications had been made or are intended to be made.
18/1/2022	Letter from the Registrar to Devonshires asking about potential communications from Mr Paterson with the Secretary of State for DfID and the Policing Minister in 2016-17, relating to Radox.

**Office of the Registrar
of Consultant Lobbyists**

Date	Action
18/1/2022	Email from Devonshires asking for the basis of the requests for information and if they were covered by the Information Notice of 16 November 2021.
21/1/2022	Letter from the Registrar, amongst other things, explaining his approach to investigations and the issuing of information notices.
27/1/2022	Letter from Devonshires, amongst other things, seeking clarification as to the communications referred to by the Registrar.
10/2/2022	Government Legal Department filed the Registrar's response to the Appeal to the Tribunal against the 16 November 2021 Information Notice.
23/2/2022	Devonshires withdrew the appeal made on 10 December 2021 to the Tribunal against the 16 November 2021 Information Notice.
9/3/2022	The Tribunal accepted the withdrawal of the appeal.
14/3/2022	Letter from the Registrar to Devonshires, amongst other things, addressing a number of points raised by Devonshires in previous correspondence and requesting information about potential communications from Mr Paterson with Ministers in 2016-17, relating to Randox.
23/3/2022	Letter from Devonshires requesting a one-week extension to the 28 March 2022 deadline, to respond to the 14 March 2022 letter.
25/3/2022	Email from the Office communicating the Registrar's agreement to an extension to 3 April 2022.
4/4/2022	Letter from Devonshires, purportedly in response to the Registrar's letter of 14 March 2022, amongst other things, setting out questions to the Registrar.
6/4/2022	Letter from the Registrar to Devonshires, amongst other things, warning that he would issue a further Information Notice if no substantive response to the 14 March 2022 letter was received.
7/4/2022	Letter from Devonshires asking further questions of the Registrar.
8/4/2022	Letter from Devonshires requesting another deadline extension of 14 days to respond to the Registrar's 14 March 2022 letter.
8/4/2022	Letter from the Registrar extending the deadline to respond to his letter of 14 March 2022 to 11 April 2022.

**Office of the Registrar
of Consultant Lobbyists**

Date	Action
8/4/2022	Letters from the Registrar to Foreign, Commonwealth and Development Office and Department of Health and Social Care (“DHSC”), requesting records of communications relevant to the investigation.
12/4/2022	The Registrar issued an Information Notice for a response to the questions in his letter of 14 March 2022.
21/4/2022	Letter from Devonshires responding to letter of 14 March 2022 and thereby the Information Notice of 12 April 2022.
04/05/2022	Response to letter of 8 April 2022 from DHSC, stating all communications are published online.
05/05/2022	Letter from Devonshires, amongst other things, submitting a Freedom of Information Act (“Fol”) request regarding previous investigations.
12/05/2022	ORCL response to Fol request.
06/06/2022	Letter from the Registrar stating that he was “ <i>minded to</i> ” conclude that Mr Paterson’s activities constituted consultant lobbying due to two written communications and a meeting and detailing why they were registerable communications. The Registrar gave Devonshires the opportunity to address the matters of fact set out and preliminary findings by 21 June 2022.
07/06/2022	Letter from the Registrar to DHSC, amongst other things, requesting unredacted copies of correspondence from Mr Paterson.
28/06/2022	Email from the Registrar to Devonshires, following no response to the Registrar’s letter of 6 June 2022, asking whether or not they have any comments by 1 July 2022.
29/06/2022	Email from Devonshires apologising for missing the Registrar’s 6 June 2022 letter and requesting an extension to the deadline to respond.
01/07/2022	Email from the Office giving the Registrar’s extended deadline to 29 July 2022.
28/07/22	Letter from Devonshires, responding to the Registrar’s letter of 6 June 2022, amongst other things, disputing that Mr Paterson is or ever was a consultant lobbyist.

**Office of the Registrar
of Consultant Lobbyists**

Date	Action
14/10/2022	Letter from the Registrar giving his provisional conclusion that the three communications investigated were consultant lobbying activities and advice to ensure future compliance with the Act. Notice of Intention to issue a civil penalty is issued.
2/11/2022	Letter from Devonshires stating that Mr Paterson was not registered for VAT at the time of the three communications in 2016-17, so could not have been a consultant lobbyist.
10/11/2022	Letter from the Registrar expressing disappointment that full information about VAT registration was provided at such a late stage; and sharing this final summary of the investigation.

10 November 2022
Office of the Registrar of Consultant Lobbyists
office@orcl.gov.uk