



JUDICIARY OF
ENGLAND AND WALES

The Queen

-v-

Christopher Davies

City of Westminster Magistrates Court

23 April 2019

Sentencing remarks of Mr Justice Edis

In March 2016, less than 12 months after you were first elected as a member of the House of Commons, you committed an offence contrary to the Parliamentary Standards Act 2010, and attempted to commit another. Both offences resulted from the same transaction and may have been designed to enable you to spend your whole budgets, or to conceal the fact that you had spent £700 of taxpayers' money on photographs for your constituency office, or perhaps both.

You had actually spent £700 on photographs, and you were quite entitled to do so and to reclaim that cost. You had two budgets available from which that money could have come. Your start up budget, only available in your first year, did not have £700 left. Your office budget did, but if you charged the whole of your expenditure to that budget, you might leave some of the balance of the start-up budget unspent. In the result all the budgets were underspent and if you were concerned to protect some of the budget for later use, you never actually took advantage of that.

For whatever reason, you decided to create two bogus invoices which would split the sum between the two budgets. This would not benefit you financially because they amounted to the sum which you had actually agreed to pay and the money was in fact paid.

These fakes would also create the false impression that some of this money had been spent on furniture for the office. Members' expenses are a matter of public record and that lie would not enrich you, but it would pull the wool over the eyes of any of your constituents who were interested in what you had actually spent your expenses budgets on.

The statutory offence of which you have been convicted does not require proof of dishonesty. The Act requires that you knowingly used a document which was false in a material respect

in support of an expenses claim. Whether the state of mind in which you did that is called dishonest or not, it is highly discreditable. Financial gain is the usual reason why people fake documents, but it is not the only reason. For the purposes of sentencing I accept that buying photographs for £700 was a proper expenditure of public money. The public, however, are entitled to make up their own minds about that question, on the basis of accurate information.

Your crimes would not have been detected but for their detection and much later disclosure by a member of your staff, Ms. Lewis. When she checked with the photographer to see whether he had been paid or not for the second false invoice, he said he had only ever issued one. He wanted an explanation, and you told him the truth, which he accepted and the matter rested there until Ms. Lewis disclosed what she knew over 18 months later to the Conservative Party. This set-in motion the sequence of events which has, three years and an election later, brought you here.

There was no error here. What you did was done quite deliberately and it must have taken you some time to create your fake documents. You created two, after all. You presented them at different times to suggest that there were two transactions, and attached a post it note to the second to this effect, thus trying to deceive your own staff. It is an aggravating feature of the offence that you intended that Ms. Lewis should be the person who actually made the claim on your behalf, having been deceived in this way. Involving the innocent in a crime can cause serious consequences for them. None happened.

The chief aggravating feature is, of course, the breach of trust which is involved. Members of Parliament ask the public to place their trust in them and on election that is what happens. They become the guardians of the nation's democracy which depends on the public holding them in high esteem. As the then Lord Chief Justice said 2011, the result of offences involving false expenses claims by MPs is

“serious damage to the reputation of Parliament, which correspondingly reduced confidence in the country's priceless democratic system and the process by which it was implemented and the country was governed.”

One consequence of the expenses scandals of which he was then speaking has in fact been to contribute to the lessening of that esteem, which is not in the public interest, and not in the interest of Members of Parliament who are scrupulous public servants. Members of Parliament are held to a high standard of probity by the criminal law for these reasons. Any significant betrayal of that standard is serious and crosses the custody threshold.

In mitigation, I accept that you are a person of good character and that goes in your favour. Powerful character references have been placed before the court. It is true that you have given good service to your constituents over the last 3 years, as was your duty. That is only what is expected of you and what you have now promised to deliver in two election campaigns. It is not for the courts to distinguish between good MPs and bad ones when sentencing them for crimes. That is a matter for their electorates to judge.

The Act provides that there will be a recall process which may end your political career. That is a substantial consequence of your offending, but is part of the machinery created by the Act to attempt to rebuild and then preserve the trust of the public in its Parliament. In the

context of this case, you are entitled to a degree of sympathy for the predicament you have created for yourself.

It remains shocking that, when confronted with a simple accounting problem, you thought that the thing to do was to forge documents. That is an extraordinary thing for a person in your position, and with your background, to do.

Nevertheless, I accept that this case is in a quite different category from the cases which came to light nearly 10 years ago where much larger sums of money were involved. Those cases also involved claims which were entirely false. That is so even in the case of *McShane* who tried to recover a much larger sum of money which he believed he had genuinely spent on proper purposes by inventing a complex series of transactions which had never happened. This was apparently because of a chaotic accounting system which meant that the true position could not be ascertained. At least here there was a genuine transaction in which you actually spent the money you claimed, or tried to claim, on something for which you were entitled to claim. There was no risk of the taxpayer spending more on photographs for your office than you had spent, and that you were entitled to recoup.

The earlier cases also involved different and more serious offences which required proof of an intention cause gain for the offender or loss to another, and this offence does not. It catches conduct which, for anyone but an MP, would not be a criminal offence at all. I am less certain that the absence of a requirement for proof of dishonesty as a separate element of the offence makes much difference as to sentence. Knowingly providing false or misleading information for the purposes of a financial claim is the kind of conduct which most people would classify as dishonest without much trouble. That is what you did.

I also bear in mind your pleas of guilty in the Magistrates' Court and your honest acceptance of what you had done from a very early point in the various investigations which followed its revelation. This has been a long drawn out business, and that is not your fault.

For all these reasons, although the offences do cross the custody threshold, I am not going to impose a prison sentence.

Your offence is serious enough to require a community order and you will be subject to a requirement to complete 50 hours of unpaid work within the next 12 months, working when and where you are directed by your supervising officer.

If you fail to complete the unpaid work or to do it properly, you will be in breach of the order. That means you will be brought back before this court or the Magistrates' Court and may be given further requirements or resentenced or fined for this offence; and that may well mean custody

There will also be a fine of £1,500, with a term of imprisonment of 42 days in default of payment.

You will pay prosecution costs in the sum of £2,500. I accept that the CPS employees have in fact done the work for which a claim is made, and that the hourly rates claimed are extremely modest. However, I consider that the proper ambit of the claim for costs is the

legal work connected with the conduct of the prosecution and that additional time taken over a case because of its high profile and public importance should be stripped out.

In view of the age of the offences, the statutory surcharge is £120 and must be paid.

I direct that the Clerk to the Court will notify the Speaker of the House of Commons of these proceedings and their result as required by the Parliamentary Standards Act 2010.