



## LEADER OF THE HOUSE OF COMMONS

### Written Ministerial Statement

26 April 2012

#### Parliamentary Privilege

**Deputy Leader of the House of Commons (David Heath CBE MP):** The Leader of the House of Commons and I are today publishing a Green Paper including illustrative draft clauses, to begin a consultation on parliamentary privilege.

The Programme for Government announced our intention to “prevent the possible misuse of parliamentary privilege by MPs accused of serious wrongdoing”. I informed the House on 19 December 2011 that the Government intended to publish a Green Paper before the end of this parliamentary session, to consult on the desirability of certain changes that could be made to the operation of parliamentary privilege, and seek views on whether legislation is appropriate in this area.

In line with the commitment in the coalition agreement, the Government has considered whether there are potential obstacles that ought to be removed to the prosecution of Members of either House for ordinary criminal acts. This is notwithstanding the Supreme Court ruling in *R v Chaytor and others*, which established that parliamentary privilege could not form part of a defence in cases relating to claims for allowances, as these were not proceedings in Parliament under article 9 of the Bill of Rights 1689, and did not fall within the exclusive jurisdiction of the two Houses. The paper consults on whether the protection of privilege should be disapplied in cases of alleged criminality, to enable the use of proceedings in Parliament as evidence in criminal proceedings. The paper also contains draft clauses which illustrate how this change could be implemented.

The Green Paper also discusses, among other questions:

- whether a legislative definition of proceedings in Parliament is needed;
- whether legislation is desirable to establish that the principle of exclusive cognisance applies only to activities directly and closely related to proceedings in Parliament;
- whether legislation is necessary or desirable to ensure that the powers of Select Committees can be satisfactorily enforced; and
- whether there should be changes to the law on reporting of parliamentary proceedings in the media.

In producing the paper, the Government has been mindful of the views previously expressed by a number of Select Committees, including the 1998-9 Joint Committee on Parliamentary Privilege, the Committee on Standards and Privileges, the 2009-10 Select Committee on the Issue of Privilege, the Joint Committees on Privacy and Injunctions and on the draft Corruption, Bribery and Defamation Bills, the Procedure Committee and the Justice Committee.

The Green Paper poses questions as to how each of the issues identified should be addressed. The Government has no wish to make any changes without thorough consultation, and the intention of this paper is to facilitate a wide-ranging and open debate on parliamentary privilege. We hope as many people as possible will contribute their thoughts and we look forward to considering the implications of further relevant work by the House of Commons Liaison and Culture, Media and Sport Committees..

Ultimately, these are Parliament's privileges, and it is for Parliament to decide on their future. The Government therefore believes it would be appropriate for these issues to be scrutinised by a Joint Committee, and as previously indicated will be holding early discussions in both Houses about the establishment of and timetable for such a committee.