



LEADER OF THE HOUSE OF COMMONS

Written Ministerial Statement

19 December 2011

Draft Parliamentary Privilege Bill

Deputy Leader of the House of Commons (David Heath CBE MP): The Leader of the House of Lords and I are today setting out the next steps in the Government's preparation of a draft Bill on Parliamentary privilege.

The Programme for Government announced our intention to "prevent the possible misuse of Parliamentary privilege by MPs accused of serious wrongdoing". Following this, the Queen's Speech set out that we would publish a draft Bill during this Session on Parliamentary Privilege. I can now announce that the Government intends to publish a Green Paper alongside the draft Bill. The Green Paper and draft Bill will be published before the end of this parliamentary session.

In the Green Paper, the Government will consult on the desirability of certain changes that could be made to the operation of parliamentary privilege. In that Green Paper, we intend to set out the Government's thinking on each of the principal areas where it has previously been suggested that reform is necessary or desirable. Where we believe there is a case to be made for legislative change, this thinking will be supported by clauses in the draft Bill.

In line with the commitment in the Coalition Agreement, the Government is considering 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 the criminal courts did have jurisdiction over dishonest 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 Green Paper will also discuss, among other questions:

- whether legislation is necessary or desirable to ensure that the powers of Select Committees can be satisfactorily enforced;
- 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 a statutory definition of proceedings in Parliament is needed; and
- whether there should be changes to the law on reporting of parliamentary proceedings in the media.

The Government will not be proposing to constrain by legislation the ability of hon. Members to name in proceedings in Parliament individuals who are the subject of anonymity injunctions made by the courts. It will be for each House to consider whether to make changes to their internal procedures to address this issue.

In setting out its views, the Government will be 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 the draft Corruption, Bribery and Defamation Bills, the House of Commons Procedure Committee, the Justice Committee and the Culture, Media and Sport Committee. The Government also wishes to take into account any proposals from the Joint Committee on Privacy and Injunctions that impinge on parliamentary privilege.

Following correspondence earlier this year with the Chairs of the Liaison Committees in both Houses, the Government believe it would be appropriate for the Green Paper to be considered, and for the draft Bill to be subject to pre-legislative scrutiny, by a Joint Committee, and will be holding early discussions in both Houses about the establishment of and timetable for such a Committee.