



House of Commons
Justice Committee

**Parliamentary Standards
Bill and Constitutional
Reform and Renewal:
Government Responses to
the Committee's Seventh
and Eleventh Reports of
Session 2008–09**

**Sixth Special Report of Session 2008–
09**

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The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at www.parliament.uk/justicecom

Committee staff

The current staff of the Committee are Fergus Reid (Clerk), Dr Sarah Thatcher (Second Clerk), Hannah Stewart (Committee Legal Specialist), Gemma Buckland (Committee Specialist), Sonia Draper (Committee Assistant), Henry Ayi-Hyde (Committee Support Assistant) and Jessica Bridges-Palmer (Committee Media Officer).

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Sixth Special Report

The Justice Committee published its Seventh Report of Session 2008–09 entitled, Constitutional Reform and Renewal: Parliamentary Standards Bill, on Wednesday 1 July 2009, as HC 791. The Government response was received on 24 September 2009 in the form of a letter from the Rt Hon Jack Straw MP, Secretary of State for Justice and Lord Chancellor, to the Chairman of the Committee which is appended below as Appendix 1.

The Committee published its Eleventh Report of Session 2008–09 entitled, Constitutional Reform and Renewal, on Wednesday 29 July 2009, as HC 923. The Government response was received on 29 September 2009 in the form of a letter from Rt Hon Michael Wills MP, Minister of State, Ministry of Justice, to the Chairman of the Committee which is appended below as Appendix 2.

Appendix 1: Government response (Parliamentary Standards Bill)

I would like to thank the Justice Committee for its continued interest in the Government's legislative programme and in particular your report; Constitutional Reform and Renewal: Parliamentary Standards Bill, published on 1 July.

As you know on 30 June I submitted a response to Malcolm Jack's memorandum on the Parliamentary Standards Bill. The Bill was amended during its parliamentary passage and the provisions concerning parliamentary privilege were removed from the Bill before it left the House of Commons. During the debate I made it clear that we would respect the will of Parliament and so the Government did not attempt to overturn these amendments to the Bill in the House of Lords.

The Act received Royal Assent on 21 July and provides for an independent, transparent and robust system for the regulation of MPs' allowances and the registration of financial interests. I believe that it was necessary to act decisively to respond to the wide-spread public concern about the alleged abuses of the MP's expenses system and that this legislation was the appropriate response.

I believe that Parliament proved that it was able effectively to scrutinise the Bill, which was demonstrated by lively debates in both Houses and the select committee reports on the Bill by your Committee, the Lords' Constitution Committee and the Joint Committee on Human Rights.

*Rt Hon Jack Straw MP
Secretary of State for Justice and Lord Chancellor
Ministry of Justice
24 September 2009*

Appendix 2: Government response (Constitutional Reform and Renewal)

I would like to thank you and your colleagues on the Justice Committee for your continued interest in the Government's constitutional reform programme, the most recent product of which is your report Constitutional Reform and Renewal, published on 21 July. I believe that this Government can be proud of its many achievements.

The Justice Secretary addressed many of these issues face-to-face at the evidence session on 14 July, but there are a number of points in your report to which I would like to respond further.

I note the Committee's comments on the Constitutional Reform and Governance Bill, and I am grateful to the Committee for its detailed scrutiny of the draft Constitutional Renewal

Bill. I believe that the Constitutional Reform and Governance Bill includes an important package of measures which will help to rebuild trust in our democratic and constitutional settlement by introducing greater transparency and accountability across government. The measures being taken forward in the Constitutional Reform and Governance Bill remain significant and worth legislating on, even if they do not include everything which was in the draft Constitutional Renewal Bill.

We responded to criticisms of the handling of the Parliamentary Standards Bill during the passage of that Bill. Far from undermining public trust, we believe the public demanded an accelerated passage for the Bill to establish an Independent Parliamentary Standards Authority. Moreover, I believe that Parliament was able effectively to scrutinise the Bill, which was the subject of lively debates in both Houses and reports by your Committee, the Lords' Constitution Committee and the Joint Committee on Human Rights. We listened to views expressed in Parliament and by the Select Committees, and the Bill was amended where it was appropriate to do so.

Beyond these individual points, I would like to comment on your interpretation of the overall position. The Government's response to the sea-change in public interest in constitutional issues following the alleged abuses of the MPs' expenses scheme was prompt, decisive, and based around cross-party agreement. I think the changes in the debate on constitutional reform have seen this Government show both the flexibility to accommodate immediate needs and the long-sightedness to pursue a consistent reform agenda over time.

You welcome the establishment of Tony Wright's Reform of the House of Commons Committee. I stand alongside you in welcoming the debate this Committee will facilitate, and look forward to the publication of its report on 13 November. I hope that MPs from across the political spectrum will engage positively with the new committee.

You make reference to the appointment of life peers as Ministers by the Prime Minister. This Government has already taken forward historic reforms of the House of Lords, including the removal of most hereditary peers and the establishment of the House of Lords Appointments Commission, as a result the House of Lords has become far more representative of the population at large. The Government's plans for further reform of the House of Lords are twofold. The Constitutional Reform and Governance Bill includes important measures to ensure that there is a robust disciplinary regime in the House Lords. Specifically the Bill will:

- provide that Peers can be suspended or expelled from the House;
- allow Peers to resign and disclaim their peerage;
- provide that peers are to be disqualified from the House after being convicted of a serious criminal offence or being made subject to a bankruptcy restrictions order.

The Bill will also modernise the House of Lords by abolishing by-elections to replace the remaining 90 hereditary peers when they die. We are also committed to comprehensive reform to create a second chamber that has a democratic mandate and befits a modern

democracy. We will bring forward draft legislation on a reformed second chamber in the coming months.

You note the Prime Minister's comments on a written constitution. I agree with you that moves towards such a written constitution would merit careful consideration of a number of fundamental issues, and I am sure you welcome, as I do, the Prime Minister's statement on 10 July that "any such proposals will be subject to wide public debate and the drafting of such a constitution should ultimately be a matter for the widest possible consultation with the British people themselves".

With reference to the Government's intention to extend the application of the Freedom of Information Act, the Ministry of Justice and the Information Commissioner have kept the resources available to the Commissioner's office under regular review, and will continue to do so. We note the Committee's restated view that the Commissioner should be an officer of Parliament, but the Government's position remains that the present arrangements are appropriate, providing for independent decision making by the Commissioner while permitting proper scrutiny of resources.

You also question the adequacy of means to take forward the Government's constitutional reform agenda in an appropriately consultative manner, making particular reference to the widespread consultation process around Building Britain's Future. While you are correct that the current climate has raised the profile and political significance of constitutional reform to new heights, we must remember that the Government's proposals form a continuous programme of constitutional reform designed to open up Government to greater scrutiny and increase accountability to Parliament and the people. Consultation has been at the heart of that process and the Government has utilised both traditional and innovative means to consult. Building Britain's Future has added fresh impetus at a crucial time, not to meet the timetable of a general election, but to address the concerns of British citizens.

I am grateful for the positive comments in the reports and I looking forward to engaging with the committee as we seek to implement our plans for constitutional reform.

*Rt Hon Michael Wills MP
Minister of State
Ministry of Justice
29 September 2009*