HOUSE OF LORDS

Select Committee on the Constitution

17th Report of Session 2008–09

Parliamentary Standards Bill

Report

Ordered to be printed 2 July 2009 and published 6 July 2009

Published by the Authority of the House of Lords

London : The Stationery Office Limited
£price

HL Paper130

Select Committee on the Constitution

The Constitution Committee is appointed by the House of Lords in each session with the following terms of reference:
To examine the constitutional implications of all public bills coming before the House; and to keep under review the operation of the constitution.

Current Membership

Lord Goodlad (Chairman)
Lord Lyell of Markyate
Lord Morris of Aberavon
Lord Norton of Louth
Lord Pannick
Lord Peston
Baroness Quin
Lord Rodgers of Quarry Bank
Lord Rowlands
Lord Shaw of Northstead
Lord Wallace of Tankerness
Lord Woolf

Declaration of Interests

A full list of Members' interests can be found in the Register of Lords' Interests:
http://www.publications.parliament.uk/pa/ld/ldreg/reg01.htm

Publications

The reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee are available on the internet at:
http://www.parliament.uk/hlconstitution

Parliament Live

Live coverage of debates and public sessions of the Committee's meetings are available at
www.parliamentlive.tv

General Information

General Information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at:
http://www.parliament.uk/parliamentary_committees/parliamentary_committees26.cfm

Contact Details

All correspondence should be addressed to the Clerk of the Select Committee on the Constitution, Committee Office, House of Lords, London, SW1A 0PW.
The telephone number for general enquiries is 020 7219 1228/5960
The Committee's email address is: constitution@parliament.uk

Parliamentary Standards Bill

1. The Parliamentary Standards Bill is a legislative response to the public anger in recent weeks about the conduct of some Members of both Houses of Parliament in relation to financial matters. In this report we express concerns about the bill. We are particularly concerned by the hasty manner in which policy-making has taken place, with negligible public consultation, and the subsequent 'fast-tracking' through Parliament of a bill which will have major constitutional implications. We focus on these issues of process in this report. We intend to make a further report on the bill, dealing in more detail with constitutional points relating to the policy of the bill.

2. At the outset, we need to recognise that the bill as introduced in the House of Lords is in two vital respects different from the one originally introduced in the House of Commons. First, the Government agreed to remove a clause seeking to place a statutory duty on the House of Commons to have a code of conduct. Second, the Government was defeated on a controversial clause ("the proceedings in Parliament clause") that sought to carve out an exception from Article IX of the Bill of Rights 1689, which protects freedom of speech and proceedings in Parliament from being questioned in court. The Government indicated that they will respect the view of the House of Commons and not seek to reintroduce the proceedings in Parliament clause. Both of these clauses threatened to undermine freedoms which are essential for Parliament to operate properly and risked opening the door to conflict between Parliament and the courts.

3. **We welcome these changes. They do, however, reinforce our view that the bill is the product of a desire to respond to a demand to see something done, as the Government put it, rather than the outcome of a law-making process suitable for a bill with serious constitutional repercussions. Even with the two clauses removed, the bill raises other as yet unresolved questions about the relationship between Parliament and the courts. Moreover, it will fall to the House of Lords to consider how the bill hangs together in the light of the decisions made in the House of Commons. Baroness Royall of Blaisdon, the Leader of the House of Lords, told us 24 hours before the removal of the proceedings in Parliament clause, that "The package in the bill is a coherent whole, and no part of it would work without the rest". The bill will accordingly have to be substantially recast. To do so under an accelerated passage is in our view wholly unacceptable given the questions of constitutional principle and detail that it raises.**

The contribution of the House of Lords to the scrutiny of this bill

4. In different circumstances, a bill that seeks to regulate the working practices of the House of Commons might be thought to require the House of Lords to adopt a degree of deference in the scrutiny of it. It has been a characteristic of the British constitution that each House should be free to regulate its own internal affairs independently of the other. Our Committee is, however, called upon to examine all public bills. The bill raises questions of broad constitutional significance, including that of the relationship between Parliament and the courts and matters relating to parliamentary

privilege. More specifically, the Government have indicated in relation to the present bill that they intend "to extend it to the Lords, using the same principles, as soon as the Parliamentary timetable allows".[1] This was confirmed by the Justice Secretary during the second reading of the bill in the House of Commons on 29 June.[2] A document deposited in the House of Commons Library by the Government on 20 May 2009, referring to the proposed Independent Parliamentary Standards Authority, states that "it is clearly appropriate that this new body also takes responsibility for these issues in the Lords".[3] The document adds:

> "We recognise that the principle of self-regulation operates differently in the House of Lords. It is clear that extensive work and consultation will be necessary in order to ensure the agreement of the House to the effective transfer of responsibilities to the new body".

5. For these reasons, it is in our view necessary for the House of Lords to subject the provisions contained in the bill to close scrutiny, even though the proposals contained in the bill apply (at present) only to the House of Commons. In any event, it is clear from remarks made in the proceedings on report in the House of Commons that that House expects the bill to be thoroughly revised in the House of Lords, if only to make it workable.

Constitutional consequences of a further move away from self-regulation

6. On one view, the policy of the bill to create an independent body responsible for allowances and registration of interests, working at arm's length from Members, may be seen as an incremental development. The House of Commons first established a system for registering financial interests in 1974, in which the registrar was a clerk and alleged abuses were investigated by a parliamentary committee. In 1995, the first report of the Committee on Standards in Public Life, under the chairmanship of Lord Nolan, recommended that the House of Commons should appoint a Parliamentary Commissioner for Standards, who would be "a person of independent standing" responsible for maintaining the register of interests, offering advice to MPs, and investigating allegations of misconduct relating to the register. Decisions about imposing penalties would remain with a committee of MPs. The House of Commons accepted this recommendation. Parliament has also agreed to subject itself to external regulation of a constitutional character in other contexts, notably in the Freedom of Information Act 2000.

7. On the other hand, the policy expressed in the bill of establishing a statutory external regulator of important parliamentary matters, acting within a statutory regime and potentially subject to the jurisdiction of the courts, in our view represents a step-change in the trend towards greater external regulation. Self-regulation has been a central characteristic of both Houses of the United Kingdom Parliament. The "exclusive cognisance" of each House to regulate its own affairs, free from intervention by the courts, has been a

---

1 Ministry of Justice Press Release, 23 June 2009, http://www.justice.gov.uk/news/newsrelease230609a.htm.

2 HC Deb, 20 June 2009, col 47.

3 "Proposals for Fundamental Reform of the Parliamentary Allowances System" (19 May 2009), Dep Paper 2009/1474; http://www.parliament.uk/deposits/depositedpapers/2009/DEP20091–474.doc. This type-written document is signed "No 10". A version of the document was subsequently uploaded to the Ministry of Justice website http://www.justice.gov.uk/news/docs/proposals-reform-parliamentary-allowance.pdf.

key feature of our constitutional framework. **The bill breaks with that convention. This is a profound change which has the potential to give rise to conflict between Parliament and the courts, the implications of which require very careful examination.**

8. There are questions about the extent to which decisions taken under the new institutional framework created by the bill—by the Independent Parliamentary Standards Authority (IPSA) and the Commissioner for Parliamentary Standards—will open up the possibility of judicial review challenges. We note that suggestions have also been made that the bill may even lead to the prospect of judicial review proceedings against the Speaker of the House of Commons. The proposition raised by the Joint Committee on Human Rights that disciplinary proceedings within Parliament against Members ought to be subject to an appeal to the courts was not debated in detail in the House of Commons and deserves to be examined during the bill's passage through the House of Lords. There are also questions about the constitutional acceptability of the policy of the bill to create special criminal offences that apply only to a small class of person (in this case, Members of the House of Commons). **It appears to us that the excessively speedy policy-making and consideration of the bill has prevented proper examination of these and other legally and constitutionally complex questions. We will address these further in our second report on the bill.**

Fast-tracking of policy-making and of the passage of the bill

9. **The way policy-making has been rushed, the lack of public consultation and the limited opportunities given to Parliament to scrutinise the bill all, in our view, fail to meet the minimum requirements of constitutional acceptability.**

10. The Government decided that the bill should have an accelerated passage through both Houses. The bill was introduced in the House of Commons on Tuesday 23 June 2009. Second Reading was held on Monday 29 June; the Committee stage took place on Tuesday 30 June and was completed on Wednesday 1 July, along with all remaining stages. The timetable for consideration of the bill did not even provide the House of Commons with an opportunity to debate the proceedings in Parliament clause, which was of vital constitutional importance.

Rushed policy-making?

11. The House will want to consider whether the bill is the product of a thorough policy-making process. To do so, it will be helpful to set the bill's proposals in the context of the recent initiatives designed to restore public confidence.

12. On 23 March 2009, the Prime Minister invited the Committee on Standards in Public Life, chaired by Sir Christopher Kelly, to inquire into MPs' allowances.[4] In his letter to Sir Christopher, the Prime Minister stated "I understand that you will be undertaking a short, focused review of whether current arrangements in the House of Lords are still appropriate, given the

4 http://www.public-standards.gov.uk/Library/090323_Letter_from_the_PM___Review_of_support_and_remuneration_for_MPs.pdf

reforms already completed for MPs, once the Sub-Committee on Lords' Interests, chaired by Usha Prashar has concluded its review. It would be helpful to consider the evidence from that exercise".[5] The Committee invited written submissions (the closing date for which was 5 June 2009) and is holding a number of oral evidence sessions. The Committee's report is expected to be published in autumn 2009.

13. On 21 April 2009, the Prime Minister used the constitutionally unorthodox medium of a video clip on YouTube to announce "urgent proposals to make our system of MPs' allowances and expenses simpler and less generous".[6] These interim changes were debated in the House of Commons on 30 April 2009. The House of Commons voted in favour of Resolutions that: welcomed the Committee on Standards in Public Life's inquiry; amended rules relating to allowances for MPs in outer London constituencies; ensured that all claims are backed with receipts; amended the rules relating to MPs' declarations of outside earnings; and made changes to the arrangements for MPs' staff employed on parliamentary business.[7]

14. On 19 May 2009, the then Speaker of the House of Commons made a statement to that House saying that a meeting of party leaders:

> "... received a paper from the Prime Minister, which was endorsed by the other party leaders, calling for a fundamental reform of allowances—moving from self-regulation to regulation by an independent body. The Government will consult widely on this proposal. Further to this, the Leader of the House will be making a statement tomorrow, which will allow the House a full opportunity to ask questions, and Members to air their views on the decisions we have made and the proposals for the future".[8]

15. On 20 May 2009, Harriet Harman MP (Leader of the House of Commons) made a statement in the House of Commons on a proposed Independent Parliamentary Standards Authority.[9] Subsequently, a three page outline of the proposals was deposited in the House of Commons Library[10] and later uploaded to the Ministry of Justice website.[11]

16. On 23 June 2009, when the bill was introduced to the House of Commons, the Leader of the House of Commons said in a Written Statement:

> "This Bill is the first stage of legislation and covers the specific but important and urgent task of setting up an independent authority. There is likely to be subsequent legislation where this is judged necessary, not least in the light of further cross-party discussions".[12]

17. We have recently been engaged in an inquiry into fast-track legislation. Our report *Fast-track Legislation: Constitutional Implications and Safeguards* will be

---

5 The review is actually being carried out by a Leader's Group, chaired by Lord Eames, the terms of reference of which are "to consider the code of conduct and the rules relating to Members' interests and to make recommendations" (HL Deb, 21 May 2009, col 1435).

6 http://www.number10.gov.uk/Page19073.

7 HC Deb, 30 April 2009, col 1063.

8 HC Deb, 19 May 2009, col 1423.

9 HC Deb, 20 May 2009, col 1505.

10 http://www.parliament.uk/deposits/depositedpapers/2009/DEP20091–474.doc

11 http://www.justice.gov.uk/news/docs/proposals-reform-parliamentary-allowance.pdf.

12 HC Deb, 23 June 2009, col 54WS.

published in the next few days. In Appendix 1, we have set out the recommendations we will make for improvements to the pre-legislative, legislative and post-legislative scrutiny process relating to fast-tracked legislation. We wrote to Baroness Royall on 25 June seeking a full explanation of the justification for fast-tracking this bill, in accordance with our recommendation at paragraph 186 of our forthcoming report.[13]

18. Baroness Royall told us "Fast tracking is necessary because there is an urgent public demand to see something done about the system for regulating MPs' expenses". She said "If the legislation were not passed until the autumn, that would lose three months during which the public would continue to wonder what MPs were doing to answer their concerns". It appears that the key driver for the bill is public perception, rather than any specific policy outcome. Nevertheless, in answer to our question as to what public consultation there had been about the policy contained in the bill, Baroness Royall responded that "The policy proposal directly affects only MPs and the staff of the House". She did not allude to any external public consultation, nor admit the case for it. This strikes us as an worryingly narrow view of a bill designed to rebuild public confidence in the way Parliament operates.

19. There is no sign that the policy proposals contained in the bill were subject to rigorous internal scrutiny as to their constitutional acceptability. Once again, there appears to have been a failure at the centre of Government to prevent a policy with clear constitutional flaws being pursued. The abandoned clauses in the present bill now lay on the cutting room floor alongside clauses from the Legislative and Regulatory Reform Bill in 2006 and the 2003 announcement that the office of Lord Chancellor would be abolished.

20. We recognise that there have been discussions, conducted under the "Chatham House Rule", involving the leaders of the political parties about the policy in the bill. We understand that the bill changed substantially as a result. We welcome consultation between the parties about matters of significant constitutional importance. But such discussions are no substitute for rigorous evaluation of policy options and public consultation. It is ironic that provisions designed to restore public confidence in aspects of the operation of Parliament have emerged from behind closed doors without providing an opportunity for adequate public engagement before the policy is crystallised into a bill introduced to Parliament. **This is no way in which to legislate on matters which raise complex constitutional and legal issues.**

21. The proposals contained in the bill have not been preceded by public consultation in accordance with the Government's Code of Practice on Consultation.[14] We see no justification for departing from the presumption in favour of formal, written public consultation, the duration of which should be no less than 12 weeks. The failure to consult has deprived Government and Parliament of the opportunity to hear expert views on the policy of the bill. Other parliaments have adopted various models for the regulation of ethics and financial interests of their members. There is little sign that policy-

---

13 Appendix 2.

14 http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html.

making in advance of the bill has been informed by careful evaluation of what has worked well, and less well, in other systems[15].

22. Moreover, this is a bill that should subsequently have been published in draft to enable pre-legislative scrutiny. Without such prior scrutiny, or the evidence-based scrutiny of a Public Bill Committee in the House of Commons (because the Committee stage was taken on the floor of the House), it is difficult to see how the policy can have been appropriately informed by expert and public opinion.

23. **We are wholly unpersuaded by the Government's case for this bill to be fast-tracked. There is an undoubted need to restore public confidence in the parliamentary system. It is not, however, clear to us that a cobbled together bill rushed through Parliament will help rebuild public trust; on the contrary, if Parliament cannot be seen to be scrutinising proposals with the thoroughness they deserve, public confidence in parliamentarians is likely to be further undermined. Governments should find the strength to resist falling into a temptation simply to see something done, which is no substitute for properly prepared policy and legislation.**

24. **It will ultimately be for the House as a whole to decide whether the bill should follow a normal timetable, respecting the minimum recommended intervals between stages of the bill and following the requirements of Standing Order 47 that no two stages of a Bill be taken on one day. For our own part we regret the haste with which the bill is being pursued. In our forthcoming report on Fast-track legislation we identify a number of principles which we consider need to be met in order to justify expediting legislation. We doubt that any of these principles has been met in respect of this bill. Accordingly we do not think that the case for proceeding with this bill on a fast-track timetable has been established and we do not support any curtailment of the usual legislative timetable.**

---

[15] For a review of processes relating to constitutional reform see our 4th Report (2001–02): *Changing the constitution: the process of constitutional change* (HL Paper 69).

APPENDIX 1: RECOMMENDATIONS TO BE CONTAINED IN THE CONSTITUTION COMMITTEE'S FORTHCOMING REPORT *FAST-TRACK LEGISLATION: CONSTITUTIONAL IMPLICATIONS AND SAFEGUARDS*

163. **We continue to affirm our strong support for pre-legislative scrutiny and our desire to see it used more routinely. We acknowledge that the opportunities for pre-legislative scrutiny of fast-track legislation will inevitably be constrained by the timescale. Nonetheless, we do not believe that such constraints make pre-legislative scrutiny impossible—the opportunity given to some interested parties to consider the Criminal Evidence (Witness Anonymity) Bill being a case in point. Yet any such scrutiny has thus far tended to occur on an *ad hoc* basis. We therefore urge the Government to put mechanisms in place to ensure that relevant parliamentary committees and stakeholders are consulted about and given the opportunity to respond to proposed fast-track legislation ahead of Second Reading in the House in which the bill is introduced. This should be possible in all but the most extreme circumstances.**

…

184. **We are not in favour of a certification requirement along the lines of section 19 of the Human Rights Act 1998, nor any formal role for the Speakers of the two Houses. However we agree with the Leader of the House of Lords that it would be valuable for the Government to provide more information as to why a piece of legislation should be fast-tracked. The process by which the Government makes the case for fast-tracking is at present rather ad hoc. This process needs to be formalised and strengthened.**

185. **As such, we recommend that the Minister responsible for the bill should be required to make an oral statement to the House of Lords outlining the case for fast-tracking. This should take place when the bill is introduced to the House in order to allow a debate, as early as possible on the justification for fast-tracking the bill, which does not detract from the Second Reading debate. The details contained in the oral statement should also be set out in a written memorandum included in the Explanatory Notes. The parliamentary time allocated for the statement should not in any way impinge upon the time available for consideration of the bill.**

186. **In the light of the evidence we have received about the potential problems and issues pertaining to the use of fast-track legislation, we recommend that the Ministerial Statement should be required to address the following principles:**

    a) **Why is fast-tracking necessary?**

    b) **What is the justification for fast-tracking each element of the bill?**

    c) **What efforts have been made to ensure the amount of time made available for parliamentary scrutiny has been maximised?**

d) To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?

e) Does the bill include a sunset clause (as well as any appropriate renewal procedure)? If not, why do the Government judge that their inclusion is not appropriate? (see para 198)

f) Are mechanisms for effective post-legislative scrutiny and review in place? If not, why do the Government judge that their inclusion is not appropriate? (see paras 208–9)

g) Has an assessment been made as to whether existing legislation is sufficient to deal with any or all of the issues in question?

h) Have relevant parliamentary committees been given the opportunity to scrutinise the legislation?

187. **We recommend that in its consideration of whether to allow a bill to be fast-tracked through its legislative stages, the House should bear in mind whether the Government's Ministerial Statement justifying fast-tracking has adequately addressed these principles. We will do this in the course of our scrutiny of any bill that it is proposed should be fast-tracked.**

…

189. **We remind the House that it is open to any member who is not content with the Government's justification for the fast-tracking of a bill to seek the opinion of the House when the motion to suspend Standing Order 47 is moved. If in our own scrutiny we judge that any of the principles have not been met, we will recommend that the House does not support the motion to suspend Standing Order 47.**

…

198. **Whilst we acknowledge that there may be cases when the use of sunset clauses or renewal procedures is inappropriate, we do not believe that the Government's position of judging each case on its merits provides a sufficient safeguard. Where fast-track bills are used, there needs to be an additional safeguard. We therefore recommend that, in such cases, there should instead be a presumption in favour of the use of a sunset clause. By this process, a piece of legislation would expire after a certain date, unless Parliament chooses either to renew it or to replace it with a further piece of legislation subject to the normal legislative process. The Government should set out the proposed terms of the sunset clause in the Ministerial Statement. In cases where the Government judge that the use of sunset clauses or renewal procedures is inappropriate, it should be incumbent upon them to make the case for their exclusion in the Ministerial Statement.**

…

208. **We believe that post-legislative scrutiny has an important role to play in relation to all legislation, and take note of the Government's 2008 proposals for post-legislative scrutiny. In relation to fast-track legislation, post-legislative review is vital, and we believe that additional safeguards need to be introduced. We therefore recommend that, in co-ordination with parliamentary committees,**

the Government should make the prompt review of fast-track legislation a priority.

209. **Whilst we acknowledge that it may not always be appropriate to review a piece of legislation quickly, we believe that there should be a presumption in favour of the early review of fast-track legislation. We therefore recommend that any legislation subject to a fast-track parliamentary passage should be subject to post-legislative review, ideally within one year, and at most within two years. The Government should set out the arrangements for review and the case for either a one- or two-year review period in the Ministerial Statement. In cases where the Government judge that such an early review would be inappropriate, it should be incumbent upon the Government to make their case in the Ministerial Statement.**

APPENDIX 2: CORRESPONDENCE BETWEEN LORD GOODLAD AND BARONESS ROYALL OF BLAISDON

Letter from the Chairman to Baroness Royall of Blaisdon, 29 June 2009

The Constitution Committee will in due course carry out scrutiny of this bill. I am writing to you now because I understand that the Government will seek to fast-track the bill though both the House of Commons and this House and therefore the time available for scrutiny may be very short.

The Committee has not yet had an opportunity to examine the substance of the bill. This letter relates only to the fast-tracking of the bill. As you know, we have recently been engaged in an inquiry into fast-track legislation. This will be published shortly. In our report we will suggest standard questions which should be raised to test the case for fast-tracking legislation. Even though our report is not yet before the House we thought it right to test the case for fast-tracking this bill against these questions. I should accordingly be very grateful if you would explain in relation to this bill:

(a) Why is fast-tracking necessary? Is it necessary to fast track each element of the bill?

(b) What efforts have been made to ensure the amount of time made available for parliamentary scrutiny has been maximised?

(c) To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?

(d) The bill does not include a sunset clause (or any appropriate renewal procedure)? Why do the Government judge that inclusion of such a provision is not appropriate?

(e) Have the Government identified mechanisms for effective post-legislative scrutiny and review of the bill? If so, why are they not set out on the face of the bill?

(f) Have relevant parliamentary committees been given the opportunity to scrutinise the legislation?

(g) Has an assessment been made as to whether existing legislation is sufficient to deal with any of the issues in question?

In our forthcoming report we will also remind the House that it is open to any member who is not content with the Government's justification for the fast-tracking of a bill to seek the opinion of the House when the motion to suspend Standing Order 47 is moved. So I should also warn you that if in our scrutiny of the Parliamentary Standards Bill we are not content with the Government's justification for fast-tracking, we may recommend that the House does not support the motion to suspend Standing Order 47.

We would be grateful for a response to this letter as soon as possible and in any event by the close of play on Tuesday 30 June.

Response from Baroness Royall of Blaisdon, 30 June 2009

Government response to questions raised on the Parliamentary Standards Bill

(a) Why is fast tracking necessary? Is it necessary to fast track each element of the Bill?

Fast tracking is necessary because there is an urgent public demand to see something done about the system for regulating MPs' expenses. The revelations in the *Daily Telegraph* have created an atmosphere where there is deep public anger about what has happened under the existing system of self-regulation. As my Rt Hon. friend the Secretary of State for Justice explained to the House of Commons at Second Reading, "the expenses scandal has profoundly affected the public's trust in us as individuals, and in the House of Commons as the heart of our democracy. In almost equal measure, it has seriously damaged our confidence in ourselves." As I explained in evidence to the Constitution Committee on 29 April, expedited bills are a reaction to circumstances which have arisen; and where most people would agree that there has to be a response to those circumstances. I believe that to be the case with this Bill.

The Bill sets up a new Independent Parliamentary Standards Authority and an independent Parliamentary Commissioner for Investigations. The principle of such an Authority has been publicly supported by the Leaders of the three main parties, and there has been active cooperation between all parties to secure an acceptable draft Bill. The Bill provides for the members of the Authority and the Investigator to be appointed on merit following fair and open competition. Setting up bodies of this description inevitably takes some time. With the summer Recess approaching, all main parties took the view that it was important that the legislation was passed before the summer so that work could continue during the Recess on actually establishing the Authority. If the legislation were not passed until the autumn, that would lose three months during which the public would continue to wonder what MPs were doing to answer their concerns.

The Bill deals only with the issue of the setting and regulation of MPs' rules on allowances and the Code of Conduct on financial interests. It sets up the new Authority and Investigator, together with a Committee of the House of Commons to oversee their work. It also sets out the functions of the new bodies, the enforcement mechanisms to which they would have access and creates three new offences. It provides for the transition from the existing arrangements in the House to the new bodies. The package in the Bill is a coherent whole, and no part of it would work without the rest.

(b) What efforts have been made to ensure the amount of time made available for parliamentary scrutiny has been maximised?

Given the Government's view that it is necessary to achieve Royal Assent before the summer recess, we have sought to ensure the best use of the time between Introduction in the Commons (on 23 June) and Royal Assent (by 21 July). The House of Commons are considering the Bill over three days, and are expected to complete consideration on Wednesday 1 July. Following discussions in the Usual Channels in the Lords about striking a good balance between the Royal Assent deadline and providing this House with as much opportunity to scrutinise the Bill as possible, the Chief Whip made an announcement on Tuesday 30 June about dates for consideration of the Bill. The dates proposed allow three sitting days between Second Reading and Committee stage, and two sitting days between Committee and Report stages. The timings proposed should allow several

Parliamentary committees to scrutinise, and issue reports on, the Bill during its parliamentary stages.

(c) To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal

The policy proposal directly affects only MPs and the staff of the House. Over the three weeks since the Prime Minister announced the intention to introduce immediate legislation to set up the new Authority, the Leader of the House of Commons and the Justice Secretary have engaged in intensive cross-party discussions. All recognised parties in both Houses have been represented, as have the cross-bench peers and the Chairman of the Commons Standards and Privileges Committee and the Clerks' department in the House of Commons. 4 meetings of the Group were held, and members received papers and drafts of clauses 'raw', as they went to Ministers. As a result, the Bill as presented in the Commons has already reflected the outcome of those cross-party discussions. Separate discussions have also been held with staff and the unions in the Commons. The Ministers have continued to listen careful to, and respond to concerns about aspects of the Bill—all shown by the decision of the Justice Secretary to withdraw Clause 6.

(d) The Bill doesn't include a sunset clause (or any appropriate renewal procedure). Why do the Government judge that inclusion of such a provision is not appropriate?

It is important that we demonstrate that we are moving swiftly to deal with public anger about the revelations about the MPs' expenses regime. But the proposals set out in the Bill are not meant to be a temporary 'sticking plaster'. They are meant to be permanent provisions. The public must be confident that the arrangements the Bill puts into place will continue to be in place, and that the only way in which they could be altered would be by further primary legislation. The Bill is unusual in that it directly affects the operation of Parliament. Having either a sunset clause or a renewal procedure does not therefore have the same impact as it would if the legislation affected only bodies outside Parliament. As I said to the Committee on 29 April, there are some situations where a sunset clause is not appropriate because of the need for certainty in legislation, and a sunset clause could have an adverse effect by causing instability and disquiet. Each bill being considered for expedition is looked at as a separate case, and that is what the Government has done with this Bill.

The Bill, like all legislation, will be subject to post-legislative scrutiny within 5 years. That will give the opportunity for the House and the Government to examine how well it is working and whether any changes to the arrangements will be needed.

(e) Have the Government identified mechanisms for effective post-legislative scrutiny and review of the Bill? If so, why are they not set out on the face of the Bill?

The Bill has a limited, tightly drawn purpose and the arrangements it puts in place are directed to that purpose. The new IPSA will be obliged to prepare an annual report about its performance of its functions during the financial year. That report must be published. This will give proper opportunity to review the work of the Authority. In addition, there will be a new Speaker's Committee on the IPSA which will oversee the IPSA's functions. The funding for the IPSA will also be voted directly by Parliament. This again will mean that it will be possible for

Parliament to review each year how the IPSA is operating and whether it is performing its functions efficiently and cost-effectively, as required by the Bill.

In the initial impact assessment for the Bill, the Government has said that the arrangements system should undergo an initial assessment to establish the actual costs and benefits and the achievement of the desired effects after one year of operation following a general election.

(f) Have relevant parliamentary committees been given the opportunity to scrutinise the legislation?

A number of Parliamentary committees are expected to report on the Bill during its parliamentary stages. The Justice Committee in the Commons heard oral evidence from Dr Malcolm Jack on Tuesday 30 June. I understand that your Lords Constitution Committee, the Lords Delegated Powers and Regulatory Reform Committee and the Joint Committee on Human Rights are intending to publish reports during the Bill's passage. The Government will give careful consideration to any recommendations made by these Committees.

(g) Has an assessment been made as to whether existing legislation is sufficient to deal with any of the issues in question?

There is no existing legislation dealing with the issues in question, except where an MPs' behaviour might break the existing criminal law, for example in relation to obtaining money by deception. Public opinion has made it quite clear that the existing, wholly internal systems of review and regulation are no longer acceptable. Legislation is required to create the new criminal offences and to entrench the regulatory system.