



HOUSE OF LORDS

House Committee

1st Report of Session 2008-09

**Police Access to the Precincts:
Protocol**

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The House Committee

The House Committee is appointed each session to set the policy framework for the administration of the House and to provide non-executive guidance to the Management Board; to approve the House's strategic, business and financial plans; to agree the annual Estimates and Supplementary Estimates; to supervise the arrangements relating to Members' expenses; and to approve the House of Lords Annual Report.

Current membership

The members of the House Committee are:

- Lord Baker of Dorking
- Lord Brabazon of Tara
- Lord Bradley
- Lord Craig of Radley
- Baroness D'Souza
- Baroness Hayman (*Chairman*)
- Baroness Hollis of Heigham
- Lord McNally
- Baroness Royall of Blaisdon
- Lord Strathclyde
- Lord Tordoff
- Lord Wakeham

General information

General information about the House of Lords and its committees is on the internet at <http://www.parliament.uk/lords/index.cfm>

Contacts for the House Committee

All correspondence should be addressed to the Clerk of the House Committee, House of Lords, London SW1A 0PW.

The telephone number for enquiries regarding the Committee's work is 020 7219 6644.

**FIRST REPORT OF SESSION 2008-09 FROM THE HOUSE
COMMITTEE**

POLICE ACCESS TO THE PRECINCTS: PROTOCOL

1. The Committee has considered a draft protocol governing police requests for access to the precincts of the House of Lords with a view to arresting a Member or searching a Member's office. The amended text of the protocol, which we invite the House to agree, is set out in the appendix.
2. The Leader of the House indicated on 3 December last year (HL Deb., col. 20) that she had asked the Clerk of the Parliaments to submit a memorandum on the conditions governing police access to the House of Lords. This was in the context of a recent police search of a Member's office in the House of Commons.
3. In a written statement on 2 February (HL Deb., col. WS 40) the Leader of the House indicated that she had placed a copy of the memorandum by the Clerk of the Parliaments in the Library of the House and that Members were invited to submit comments on the draft protocol until the end of February. The draft protocol was subsequently referred to the Committee for Privileges and the House Committee for approval.
4. The Clerk of the Parliaments has recommended a number of changes to the text of the draft protocol which was submitted for comment, to which the Committee has agreed.
5. The Committee considered from whom Black Rod should seek authority before responding to a police request to conduct a search within the precincts of the House. The Committee noted the view of the Clerk of the Parliaments and Black Rod that there would be some advantage in a procedure involving a single representative of the House. The Committee agreed that Black Rod should seek the authority of the Lord Speaker, who would consult, as appropriate, the Leader of the House and others. Paragraph 8 of the protocol reflects this decision.
6. **The House is invited to agree the protocol on police requests for access to the precincts of the House of Lords. The protocol has also been approved by the Committee for Privileges.**

PROTOCOL ON POLICE REQUESTS FOR ACCESS TO THE PRECINCTS OF THE HOUSE OF LORDS WITH A VIEW TO ARRESTING A MEMBER OR SEARCHING A MEMBER'S OFFICE

1. Although much of the precincts of the House are open to the public, there are parts of the buildings which are not public. The House controls access to its precincts for a variety of reasons, including security, confidentiality and effective conduct of Parliamentary business.
2. The House has no wish to impede the proper administration of justice, but it is of equal concern that the work of the House and of its Members is not unnecessarily hindered.
3. The precincts of Parliament are not a haven from the law. A criminal offence committed within the precincts or by a Member of the House is no different from any other offence and is a matter for the courts. It is long established that a Member may be arrested within the precincts.
4. In all cases where any member of the staff of the House is made aware that the police seek access to the precincts either to arrest a Member or to search a Member's office, the Clerk of the Parliaments and Black Rod must be informed. No member of the staff of the House may undertake any duty of confidentiality which has the purpose or effect of preventing or impeding communication with these Officers.
5. In cases where the police seek access to the precincts in order to arrest a Member, Black Rod must be notified. Black Rod will in turn notify the Lord Speaker.
6. Black Rod or the Yeoman Usher will accompany the police and an arrest will only be made in their presence. Black Rod will ensure that in the making of the arrest no breach of Parliamentary privilege is committed.
7. In cases where the police seek access to the precincts of the House in order to effect a search, and where a warrant may lawfully be required by the House authorities, a warrant must be obtained.
8. Before admitting the police to the precincts to undertake a search, Black Rod, having consulted the Clerk of the Parliaments and Counsel to the Chairman of Committees, will seek the authority of the Lord Speaker. The Lord Speaker will consult, as appropriate, the Leader of the House and others. She may also seek the advice of a Law Officer.
9. Any search of a Member's office or belongings will proceed only in the presence of Black Rod or the Yeoman Usher, who will require a record to be provided of what has been seized. Black Rod may attach conditions to such a search which require the police to describe to a senior Parliamentary official the nature of any material being seized which may relate to a Member's Parliamentary work and may therefore be covered by Parliamentary privilege. In the latter case, the police shall be required to sign an undertaking to maintain the confidentiality of that material, until such time as any issue of privilege has been resolved.

10. Any request by the police to access a Member's electronic files, stored on Parliamentary servers, will be referred by the Parliamentary Information Communications Technology Service to Black Rod, who will in turn consult the appropriate authorities as described in paragraph 8 above.

11. The execution of a warrant, or admission to search without a warrant, shall not constitute a waiver of privilege with respect to any Parliamentary material which may be removed by the police.