

2 December 2009

Statement from Members Estimate Committee on Repayments following the Legg Review

The Members Estimate Committee has agreed to recommend to the House that any overpayments identified by Sir Thomas Legg in his review should be repaid by MPs.

The MEC expects that Members will voluntarily repay any sums found to have been overclaimed but it will propose that if necessary the money be recovered by setting off sums owed against future payments of allowances and/or salary.

Before this happens, however, the Committee believes MPs should be given an opportunity to show in an independent process any special reasons why it would not be fair or equitable in their particular case to require them to make the repayments.

This process is designed to reflect the opportunity an individual would have in legal proceedings to show why he or she should not be required to make restitution. That opportunity is not available to Members in this case because of parliamentary privilege.

It is intended to be an appeal process in respect of individual cases and not to reopen Sir Thomas' review as a whole.

The MEC has invited Sir Paul Kennedy, a former Lord Justice of Appeal, to consider appeals from Members once it has received Sir Thomas' report, under the following terms of reference:

To consider written submissions made by any Member against a recommendation of the Legg review of past ACA claims in his or her case to require a repayment, and showing cause why there are special reasons in the individual case that it would not be fair and equitable to require repayment either at all, or at the level recommended.

To reach conclusions on such submissions in the light of any further evidence as may be required and to report in writing as soon as possible to the Members Estimate Committee.

The appeal process will be carried out entirely on the basis of written submissions and there will be no oral hearings.

It will be completed early in 2010 and its outcome will be published by the MEC alongside Sir Thomas' findings. Sir Thomas' report will be published in full with all his findings even if there are cases where Sir Paul Kennedy recommends that a repayment should not be made or should not be made in full. Following publication the Committee will seek a resolution of the House authorising the recovery of any outstanding payments.