



Joint Committee on Human Rights

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From Dr. Hywel Francis MP, Chair

The Rt Hon Sir George Young MP,
Leader of the House of Commons,
House of Commons,
London SW1A 0AA

Tuesday 7 December 2010

Dear Sir George,

Budget Responsibility and National Audit Bill

The Joint Committee on Human Rights is considering the compatibility of the Budget Responsibility and National Audit Bill with the requirements of human rights law. My Committee has received a helpful human rights memorandum from HM Treasury, setting out in detail the Government's view of the human rights issues relating to the Bill. There is one human rights issue which the Committee has decided to scrutinise further and on which it has asked me to write to the Leaders of both Houses.

The Bill provides for the removal from office of both the Comptroller and Auditor General¹ and the Chair of the National Audit Office² by HM the Queen on an address of both Houses of Parliament. The Government accepts that such removal from office must be done fairly and in accordance with Article 6(1) ECHR.³ However, it regards it as a matter for Parliament to devise an appropriate procedure offering appropriate safeguards to ensure compatibility with the requirements of procedural fairness and Article 6 ECHR: "establishing the details of a fair procedure is properly a matter for parliament and is not something that one would expect to find on the face of the Bill."

So that the Committee can be satisfied that the power to remove will be exercised fairly and in accordance with the UK's human rights obligations, I would be grateful if you could explain in detail the procedure that would be followed when exercising the power, including in particular the safeguards that would be put in place to ensure that the office holder receives a fair hearing.

I would be grateful if you could reply by **21 December 2010** and if an electronic copy of your reply, in Word, could be emailed to jchr@parliament.uk.

DR. HYWEL FRANCIS MP
Chair, Joint Committee on Human Rights

Copied to: Lord Strathclyde, Leader of the House of Lords and Chancellor of the Duchy of Lancaster
Lord Sassoon (Commercial Secretary to the Treasury) HM Treasury

¹ Clause 14(2).

² Paragraph 10(1) of Schedule 2.

³ Human Rights Memorandum, paras 20-21 and 34.