

TUESDAY 3 JULY 2012

Members present:

Mr Kevin Barron, in the Chair

Annette Brooke
Mr Tom Clarke
Oliver Heald

Heather Wheeler
Dr Alan Whitehead

...

Matter of Privilege referred on 22 May 2012

Resolved, That the Committee notes the that the House has decided “its penal jurisdiction should be exercised (a) as sparingly as possible and (b) only when the House is satisfied that to exercise it is essential in order to provide reasonable protection for the House, its Members or its officers, from such improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions”.¹

The Committee will not recommend that the House exercise any power of committal to prison in the matter of privilege referred to it on 22nd May 2012.

Should the Committee find any of the allegations arising from the matter of privilege referred to it on 22nd May 2012 to be proved, the maximum penalty it will recommend the House to impose is admonishment.

The Committee will conduct its inquiry into the matter of privilege referred to it on 22nd May 2012 according to the procedure set out below.

Stage 1- written evidence

- 1) The Committee will write to Mr Crone, Mr Hinton, Mr Myler and News International (the subjects of the inquiry) inviting them to make submissions in response to the conclusions in Chapter 8 and the evidence adduced elsewhere in the Report to support those conclusions. Such submissions may include additional questions which the subjects of the inquiry consider should be explored with key witnesses (see below) or other relevant parties.

- 2) The Committee will write to the witnesses on whom the CMS Committee relied in reaching its findings (the key witnesses) to ask them to confirm the accuracy of their

¹ See Erskine May, p 218, Third Report from the Committee of Privileges, Session 1976-77, *Recommendations of the Select Committee on Parliamentary Privilege*, HC 417, and the Resolution of the House, 6 February 1978

evidence. Should they make additional comments, these will be shared with the subjects of the inquiry.

- 3) The Committee may explore issues raised by the subjects of the inquiry in writing with key witnesses or other relevant parties.

Stage 2- oral evidence

- 4) The Committee may offer witnesses or other relevant parties the opportunity to give oral evidence, as it thinks fit, and may invite oral evidence at any stage.
- 5) The Committee will offer the subjects of the inquiry the opportunity to give oral evidence, if they so wish.
- 6) At evidence sessions, the subjects of the inquiry, witnesses and other relevant parties may be accompanied by a legal or other adviser, and may take advice from them, but shall answer in person.
- 7) All transcripts will be made available to the subjects of the inquiry and to witnesses and other relevant parties.
- 8) The Committee will invite final submissions from the subjects of the inquiry, and may, if necessary, seek further evidence, either oral or in writing.

Stage 3 - Determination

- 9) If the Committee intends to criticise a subject of the inquiry it will first send a warning letter, and such a letter will:
 - (a) state what the criticism is;
 - (b) contain a statement of the facts that the Committee considers substantiate the criticism and
 - (c) refer to any evidence which supports those facts.
- 10) The Committee will expect to receive responses to warning letters within 14 days.
- 11) The Committee will consider responses to warning letters before reporting to the House.

12) The Committee will report to the House.

General

13) When considering the allegations against the subjects of the inquiry, the Committee will apply the same standard of proof as applied to allegations against Members, as set out in the Procedural Note of 24 April 2012 from the Parliamentary Commissioner for Standards.

14) Requests for information shall be made in writing.

15) Submissions to the Committee shall be made in writing to the Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA.

16) Responses received from witnesses or other relevant parties will be shared with the subjects of the inquiry.

17) If a subject of the inquiry wishes to be supported by a legal or other adviser, the details of that adviser must be notified to the Committee.

18) The expectation is that oral evidence will be taken in public, in the interests of openness. It will not be broadcast. The Committee will consider requests to take such evidence in private, and rule on them.

19) Oral evidence will be taken on oath.

20) Evidence submitted to the Committee (oral or written) is to be held in confidence until such time as the Committee orders or gives permission for its publication, save that the subjects of the inquiry and witnesses or other relevant parties may disclose it to any adviser or legal representative notified to the Committee. Where evidence is given in public the transcripts will be published as quickly as possible, and may be referred to.

21) The cost of legal representation will be borne by the clients of any legal representatives, not the Committee.

22) The Committee will suspend its inquiry if requested to do so by the Director of Public Prosecutions on the grounds that to continue might prejudice any pending legal proceedings or criminal investigations.