



## THE SPEAKER'S COMMITTEE

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Dr Richard Jarvis  
Secretary, Committee on Standards in Public Life  
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26 October 2006

*Dear Richard,*

### **Exchange of Correspondence between the Speaker and the Lord Chancellor**

When Mr Viggers and I appeared before the Committee on 7 September, Mr Viggers undertook to provide copies of an exchange of correspondence between the Speaker, as Chairman of the Speaker's Committee, and the Lord Chancellor on the subject of the possible impact of the statutory disqualification criteria for Commissioners on the effectiveness with which the Electoral Commission discharges its functions.

Mr Viggers announced yesterday, in a Written Answer to Mrs Dunwoody, published at Col. 1868W of the Official Report, that the exchange had been deposited in the Library and that copies would be made available to your Committee in accordance with his undertaking of 7 September. I therefore have pleasure in now sending you copies of the correspondence. Please let me know if it would be helpful also to have it in electronic form.

*Yours ever  
Christopher*

**Dr Christopher Ward**

**Secretary, Speaker's Committee**



Mr Speaker

Speaker's House Westminster London SW1A 0AA

28 June 2006

*Dear Lord Chancellor,*

As you know, the Speaker's Committee has from time to time discussed the apparent degree of political disconnection of the Electoral Commission, as evidenced by some of its policy stances, from some of the realities of the political process generally, and more specifically the operations of political parties. This has undoubtedly reduced its overall effectiveness, in the eyes of some at least, in discharging some of its key functions. The Speaker's Committee is clear that there is room for improvement on this score.

The Electoral Commission is, of course, intended to operate independently and apolitically, and to reinforce this there are very strict statutory provisions which prevent anyone with any recent political involvement from appointment as either a Commissioner or as Chief Executive. Other than in respect of membership alone of a political party, the Commission's other staff are also all subject to the same statutory restrictions. This may also be a contributory factor to the Commission's apparent political disconnection.

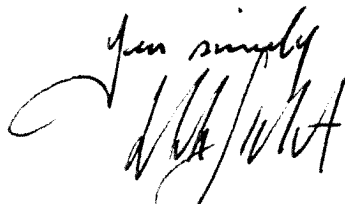
In this context, I note that the current statutory restrictions did not form part of the legislation as originally introduced into Parliament. They were brought forward by the Government in the course of its passage, with the intention of strengthening confidence in the independence and non-partisan nature of the Electoral Commission. In accordance with this aim, the Government considered that Commissioners must not be, or be perceived as, associated with any political party.

However, the Electoral Commission necessarily operates in a political world, and therefore needs to interact effectively with political parties and politicians generally. The key question is how best to achieve this without compromising the Commission's independence. The legislation does, of course, make provision for formal channels through which most parties represented in the House of Commons can raise matters affecting them with the Commission. However, these arrangements, and similar non-statutory arrangements made by the Commission on its own initiative in relation to particular parts of the United Kingdom, do not appear hitherto to have been fully effective in bridging the apparent gap in the extent of the Commission's political engagement.

The Speaker's Committee considers that one way to improve the quality of the Commission's political engagement might be to look again at the statutory restrictions on Commissioners' political involvement, to see if the present restrictions can be relaxed to any extent without, in particular, compromising either the overall independence and effectiveness of the Electoral Commission, or its ability to regulate effectively politicians and political parties. This is a complex area, being linked also with the future development of the Commission's functions, particularly in relation to parliamentary and other boundaries. There is also the related question, recently raised in the House of Commons, of the extent to which the current restrictions on the political activity of Commission staff are necessary or appropriate.

At its last meeting, the Speaker's Committee asked me to write to you to indicate that it thought that the CSPL inquiry might present an opportunity for the scope of the restrictions on Commissioners' political involvement, and their implications for its effectiveness, to be examined. I note from the Government's evidence recently submitted to the CSPL that it did not feel able to put any recommendations forward about how the Electoral Commission might be able to take more account of the realities of political life, but that the Government "would be comfortable with a solution that allowed for some political input which had cross-party support and did not materially compromise the independence of the Commission". I do not think that the Speaker's Committee would dissent from that proposition, and it recognises that some relaxation of the existing restrictions on Electoral Commissioners' links with political parties might have a part to play in achieving such a solution.

When you have had a chance to reply to this letter, I should like to share our exchange with Sir Alistair Graham and his colleagues on the CSPL.

*Yours sincerely*  
  
Speaker

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31<sup>st</sup> July 2006

*Jon Michael,*

**The Electoral Commission**

Thank you for your letter of 28 June, in which you express concern about the apparent degree of political disconnection of the Electoral Commission.

As you point out, the lack of political input into the Electoral Commission's work has been the subject of discussions at recent Speaker's Committee meetings, particularly as it is an issue being considered by the Committee on Standards in Public Life (CSPL) in their ongoing review of the Electoral Commission.

In both written and oral evidence to the CSPL, and the recent Estimates' day debate on the work of the Electoral Commission, concerns have been raised that the Electoral Commission should be made more politically aware in order to ensure its overall effectiveness in discharging its key functions. This is a view shared by Government.

Political parties have generally been recognised as a crucial factor in a healthy democracy and, despite the rise in other outlets for political activity, the main way in which public opinion can be focused. It is therefore important that the Electoral Commission benefits from their input.

However, it is also crucial that the Electoral Commission maintains its well established independence. I note with interest the various suggestions put forward in evidence to the CSPL about how the Electoral Commission can be made more politically aware. As we said in the Government response, we are not able to put forward any recommendations about how the Electoral Commission might be able to take more account of the realities of political life. We are open on the issue and would be comfortable with a solution that allowed for some political input which had cross party support and did not materially compromise the independence of the Electoral Commission.



INVESTOR IN PEOPLE

I am confident that the CSPL will carefully consider all the evidence put before them on this issue, and others, and make practical recommendations on the best way forward.

Yours,  
Alec

**LORD FALCONER OF THOROTON**

**Mrs Gwyneth Dunwoody** (Crewe and Nantwich): To ask the honourable Member for Gosport, representing the Speaker's Committee on the Electoral Commission, whether the Speaker's Committee has considered the implications of the statutory disqualifications from appointment as an Electoral Commissioner for the effectiveness with which the Commission discharges its functions. (97483)

**Mr Peter Viggers**

The effect of section 3(4) of the Political Parties, Elections and Referendums Act 2000 is to disqualify from appointment as an Electoral Commissioner a wide range of people who have been actively involved with political parties, or held elective office, over the preceding ten years. At its meeting on 3 May 2006, the Speaker's Committee agreed to write to the Lord Chancellor raising the issue of whether these restrictions reduced the effectiveness of the Electoral Commission in discharging its functions, and to seek to place the exchange of correspondence in the public domain.

I have now placed in the Library copies of Mr Speaker's letter to the Lord Chancellor on this matter, and the Lord Chancellor's reply. In view of the relevance of the exchange to the current inquiry of the Committee on Standards in Public Life into the Electoral Commission, I am also arranging for it to be sent copies, as I undertook to do when I gave evidence to that Committee on 7 September.