



House of Commons
Public Administration Select
Committee

**Parliamentary
Commissions of
Inquiry: Government
Response to the
Committee's Ninth
Report of Session
2007–08**

**Eleventh Special Report of
Session 2007–08**

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The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration, of the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

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Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pasc>

Committee staff

The current staff of the Committee are Steven Mark (Clerk), Laura Dance (Second Clerk), Pauline Ngan (Committee Specialist), Louise Glen (Committee Assistant), Anne Woolhouse (Secretary) and Miguel Boo (Senior Office Clerk).

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Eleventh Special Report

The Public Administration Select Committee reported to the House on Parliamentary Commissions of Inquiry in its Ninth Report of Session 2006–07, published 30 May 2008 as HC 473. The Government Response was received on 6 October 2008 and is published below as an Appendix to this Report.

Appendix

The Report is a follow-up to the previous Committee's First Report of the session 2004–5 on Government by Inquiry (HC 51), in which the Committee recommended that:

“in future inquiries into the conduct and actions of government should exercise their authority through the legitimacy of Parliament in the form of a Parliamentary Commission of Inquiry composed of parliamentarians and others, rather than by the exercise of the prerogative power of the Executive.”

The Government notes that the recommendations in the present report are primarily addressed to Parliament itself.

The first recommendation is that Parliament should be able to initiate and conduct inquiries of its own. The Government notes this recommendation which is principally a matter for the House. It shares the Committee's view that Members, and Parliament as a whole, have a great deal to offer inquiries. However, it wishes to make clear that it does not share the Committee's view that it is more legitimate and serves the interests of accountability more effectively for Parliament, rather than the Executive, to inquire into the actions of executive Government.

The Government notes the second recommendation, which is a matter for the Procedure Committees of both Houses.

The Committee's third recommendation is that membership and chairmanship of a Commission should be decided carefully to avoid the inquiry being undermined by partisanship or political concerns. The Government notes this recommendation which is also a matter for the Houses.

The Government also notes the recommendation that all members of the inquiry should be Privy Counsellors and the further recommendation that members could be made Privy Counsellors for the purpose. Membership of the Privy Council is conferred by HM The Queen, acting on the advice of Ministers. It is a lifetime honour, usually limited to Government Ministers, Opposition leaders, senior judges and occasionally to very senior backbenchers. There would be issues to be considered about the whether it would be appropriate to confer this status on someone for the purposes of undertaking a specific task. Parliament itself could not make a recommendation for Privy Council membership, still less confer the status.

The Committee's fourth recommendation addresses the question of the way any Parliamentary Commission of Inquiry would work, including its powers to compel witnesses and evidence. The powers of any Select Committee to send for 'persons,

papers and records' are already broad, and the Government would expect similar powers to be made available to any Parliamentary Commissions of Inquiry. The powers of such a Commission would be a matter for the House itself. The Committee has already recommended that the Procedure Committee should consider the rules for setting up a Commission, and the Government assumes that it would also wish that Committee to look at existing parliamentary powers which might be developed or used in a way that would meet PASC's objectives.

The Committee's recommendations are addressed to Parliament. The Committee does not clarify whether it is recommending legislation for extra powers to allow a new kind of Commission similar to Government Commissions. The Government believes that any such legislation to regulate the internal workings of Parliament would be inappropriate.

October 2008

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2007–08

First Report	Machinery of Government Changes: A follow-up Report	HC 160 (<i>HC 514</i>)
Second Report	Propriety and Peerages	HC 153 (<i>Cm 7374</i>)
Third Report	Parliament and public appointments: Pre-appointment hearings by select committees	HC 152 (<i>HC 515</i>)
Fourth Report	Work of the Committee in 2007	HC 236 (<i>HC 458</i>)
Fifth Report	When Citizens Complain	HC 409 (<i>HC 997</i>)
Sixth Report	User Involvement in Public Services	HC 410 (<i>HC 998</i>)
Seventh Report	Investigating the Conduct of Ministers	HC 381 (<i>HC 1056</i>)
Eighth Report	Machinery of Government Changes: Further Report	HC 514
Ninth Report	Parliamentary Commissions of Inquiry	HC 473 (<i>HC 1060</i>)
Tenth Report	Constitutional Renewal: Draft Bill and White Paper	HC 499
Eleventh Report	Public Services and the Third Sector: Rhetoric and Reality	HC 112
Twelfth Report	From Citizen's Charter to Public Service Guarantees: Entitlement to Public Services	HC 411
Thirteenth Report	Selection of a new Chair of the House of Lords Appointments Commission	HC 985
Fourteenth Report	Mandarins Unpeeled: Memoirs and Commentary by Former Ministers and Civil Servants	HC 664

Session 2006–07

First Report	The Work of the Committee in 2005–06	HC 258
Second Report	Governing the Future	HC 123 (<i>Cm 7154</i>)
Third Report	Politics and Administration: Ministers and Civil Servants	HC 122 (<i>HC 1057 Session 2007–08</i>)
Fourth Report	Ethics and Standards: The Regulation of Conduct in Public Life	HC 121 (<i>HC 88 Session 2007–08</i>)
Fifth Report	Pensions Bill: Government Undertakings relating to the Financial Assistance Scheme	HC 523 (<i>HC 922</i>)
Sixth Report	The Business Appointment Rules	HC 651 (<i>HC 1087</i>)
Seventh Report	Machinery of Government Changes	HC 672 (<i>HC 90 Session 2007–08</i>)
Eighth Report	The Pensions Bill and the FAS: An Update, Including the Government Response to the Fifth Report of Session 2006–07	HC 922 (<i>HC 1048</i>)
Ninth Report	Skills for Government	HC 93 (<i>HC 89</i>)
First Special Report	The Governance of Britain	HC 901

Session 2005–06

First Report	A Debt of Honour	HC 735 (Cm 1020)
Second Report	Tax Credits: putting things right	HC 577 (HC 1076)
Third Report	Legislative and Regulatory Reform Bill	HC 1033 (HC 1205)
Fourth Report	Propriety and Honours: Interim Findings	HC 1119 (Cm 7374)
Fifth Report	Whitehall Confidential? The Publication of Political Memoirs	HC 689 (HC 91, Session 2007–08)