



**Government Response to the
Fourteenth Report of the Business and
Enterprise Select Committee of 2007-08
(HC 1116)**

**Presented to Parliament by the Secretary of State for
Business, Enterprise and Regulatory Reform
by Command of Her Majesty
February 2009**



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GOVERNMENT RESPONSE TO THE FOURTEENTH REPORT OF THE BUSINESS AND ENTERPRISE SELECT COMMITTEE OF 2007-08 (HC 1116)

In its Fourteenth Report of 2007-08 (HC 1116) the Business and Enterprise Select Committee made the following recommendation. The Government response is noted below.

Recommendation

The obvious solution, and the neatest, would be to amend Standing Orders to allow the Secretary of State to answer questions at the Despatch Box. But this may encourage governments to appoint more members of the House of Lords as heads of department, and that would be an unwelcome and significant constitutional change. Detailed discussion about a mechanism for parliamentary questions to the Secretary of State for Business, Enterprise and Regulatory Reform is best taken forward by the Procedure Committee. However, we are convinced such a mechanism is needed, particularly at a time of such economic turmoil. We call upon our colleagues to look at this matter urgently, and upon the Government to co-operate fully in such an inquiry, particularly given the concerns expressed by the Secretary of State himself. (Paragraph 15)

Response

The Committee proposes the establishment of a new mechanism for the Secretary of State for Business, Enterprise and Regulatory Reform, a Member of the House of Lords, to answer parliamentary questions in the House of Commons.

The Government is of course willing to co-operate fully with any inquiry the Procedure Committee or any other Committee of either House may conduct into this issue but it does not support the proposal for Ministers who are Members of one House to answer parliamentary questions in the other House.

Ministers have a duty to Parliament to account, and to be held to account, for the policies, decisions and actions of their departments and agencies. They do this in a number of ways. In the House in which they sit, Ministers answer questions, make statements and participate in debates. Ministers give evidence to select committees of both Houses and respond to letters from Members of both Houses. A Minister who is a Member of the House of Lords may make a statement to a grand committee of the House of Commons and answer questions on it¹.

On his appointment, the Secretary of State for Business, Enterprise and Regulatory Reform wrote to the Chairman of the Committee indicating that he would be happy to respond to requests to give evidence to the Business and Enterprise Committee or to any other committee of the House of Commons, and to discuss any further regular reporting that the Committee may find useful². In this time the Secretary of State has already appeared twice in front of the Committee to give evidence.

¹ Standing Orders Numbers 96, 105, 112 and 117A

² Letter from Rt Hon Lord Mandelson to Peter Luff MP, dated 7 October 2008

Ministers also meet Members of both Houses in a variety of settings. The Secretary of State has routinely met with members of both Houses on departmental business, and will always endeavour to make himself available to discuss important topics. Whilst it would be inappropriate to name Members, examples of meetings that have taken place have been to discuss the automotive and construction industries.

There have always been Cabinet Ministers in the House of Lords. As the Committee notes, there were seven departmental Secretaries of State in the Lords between 1979 and 2007³. The Government does not believe that the current situation is any different in principle from any of these other recent examples. Ministers answering in each House do so on behalf of the Department and the Government, as a whole, regardless of the distribution of individual ministerial responsibilities within the Department⁴.

There is also a risk that the burden on Ministers of having additional duties in the other House might compromise their ability to participate fully in the work of the House in which they sit. The Committee argues that introducing arrangements for Secretaries of State in the Lords to answer questions in the Commons might encourage governments to appoint more heads of department in the House of Lords⁵.

The Government is content that the current arrangements provide for rigorous scrutiny in both Houses of the work of the Department. The Secretary of State has indicated that he is keen for the Business and Enterprise Committee to act as the principal conduit of his accountability to the Commons and he is happy to discuss further with the Committee how that role might be developed⁶.

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³HC 1116, paragraph 5

⁴Ibid, paragraphs 9 & 10

⁵Ibid, paragraph 15

⁶Ibid, Q35



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