



Cabinet Office

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The Lord Norton of Louth FRSA, FAcSS, FRHistS  
Chair  
House of Lords Statutory Inquiries Committee  
House of Lords  
London  
SW1A 0PW

13 May 2024

Dear Lord Norton,

### **FOLLOW UP TO ORAL EVIDENCE SESSION**

Thank you for the opportunity to give evidence to the Committee on 22 April. I undertook to write to provide information relating to two questions that Committee members posed that day and I apologise for the delay in writing.

Firstly, in response to a question from Baroness Berridge on institutional memory in the Inquiries Team in Cabinet Office, I agreed to outline the level of staff turnover. As forewarned during the session, the numbers of staff involved are too low to be able to give specific details. However, I can repeat my assurance to the Committee that the team has significant experience and expertise. Of the five staff members in the Inquiries Team that we referred to during the session, the average (mean) time working on inquiries in the Cabinet Office is 8 years.

Secondly, Lord Faulks asked about the interaction between parliamentary privilege and evidence given to statutory inquiries. Article 9 of the Bill of Rights 1689 provides that "*the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament*". The protection of freedom of speech in Parliament is a constitutional principle of the highest importance. That is absolute and is not capable of waiver. Statutory inquiries are understood to be a 'place outside of Parliament' for these purposes. What that means in practice is that an inquiry cannot rely on things written or said in Parliamentary proceedings to establish the facts of something that is disputed (because it can lead to those proceedings being questioned or challenged). The Government works closely with inquiries to ensure they can do their job properly and engages with inquiries on the application of Article 9.

I hope this is of use to the Committee and please let me know if the Committee requires any further information.

Yours sincerely,

**Simon Madden**  
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