



Foreign Affairs Committee

From the Chair
Tom Tugendhat MP

Dear Chris,

I am responding in my capacity as Chair of the Foreign Affairs Committee to your Committee's consultation on proposed legislation covering the powers of select committees to enforce a summons to provide evidence.

First, I am supportive of the legislative approach that you are proposing: I agree that the additional clarity and powers provided by legislation are worth the price of potential encroachment on parliamentary processes by the courts.

In my letter to you last October I drew your attention to the occasional difficulty that the Foreign Affairs Committee has encountered in securing the attendance of civil servants and members of the House of Lords. If legislation is to be introduced on select committee powers, it should seek to improve accountability to Parliament on these fronts.

In the last Parliament, the absence of clear enforcement powers made it impossible for the Committee to secure the attendance of a leading UK legal firm who were engaged in supporting a London flotation that was tarnished by corruption. This was a significant obstruction to our "Moscow's Gold" report on Russian financial corruption in the UK. I agree with the approach taken in your draft Bill that failure to comply with a summons should be an offence and would suggest that what might constitute a "reasonable excuse" for non-compliance should be both clarified and very limited in scope. The sanctions you propose seem reasonable.

Finally, this legislative opportunity could usefully be taken to update the interpretation of a summons to reflect the modern practice of taking evidence virtually. The understanding that a summons can only be served on someone who is physically in the UK is now outdated. There is no reason why a UK citizen who happens to be living abroad should be able to escape parliamentary accountability for relevant UK-related activities. I would propose that the legislation makes provision for a summons to include virtual attendance in such circumstances.

I hope that this is helpful.

Best wishes,

A handwritten signature in black ink, appearing to read 'Tom Tugendhat'.

TOM TUGENDHAT

13 July 2021