EXPLANATORY MEMORANDUM TO

THE FREEDOM OF INFORMATION (PARLIAMENT) ORDER 2009
(SI/2009/DRAFT)

2009. No. 0000

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1. This Order amends the entries for the House of Commons and the House of Lords in Part 1 of Schedule 1 to the Freedom of Information Act 2000 ("the Act"). In respect of Members of Parliament it removes most expenditure information held by either House of Parliament from the scope of the Act.

2.2. Information relating to the total amount of expenditure incurred in respect of a member during any year (other than expenditure on security arrangements); remains within the scope of the Act.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. It is important to give clarity to the public by allowing the new procedures, if approved by each House, to come into effect immediately.

4. Legislative Context

4.1. Section 7(3)(a) of the Act allows the Secretary of State to amend Schedule 1 to limit the entry of a public authority to information of a specified description. Section 7(3)(b) allows the Secretary of State to amend Schedule 1 to amend any limitation to information of a specified description contained in a public authority's entry.

5. Territorial Extent and Application

5.1. This instrument extends to the United Kingdom.

6. European Convention on Human Rights

6.1. The Secretary of State has made the following statement regarding Human Rights.

In my view the provisions of The Freedom of Information (Parliament) Order 2009 are compatible with the Convention rights.

7. Policy background

7.1. The purpose of this Order is to change the scope of the application of the Act in relation to information held by the House of Commons and House of Lords regarding expenditure in respect of Members of both Houses. This includes information held by either House about expenses claimed by and allowances paid to Members. Such information is no longer within the scope of the Act. However, information relating to the total annual amount of expenditure incurred in respect of a Member remains with the scope of Act – but not expenditure information on a Member's security arrangements, (which remains outside the scope of the Act).

7.2 The Order will not affect the application of the Act to other information held by the House of Commons or the House of Lords (e.g. information about the administration of the Houses themselves).

7.3 The Order amends the Act so that neither House of Parliament will be required, under the Act, to disclose receipt level information on Members expenditure.

8. Consultation outcome

8.1. The authorities of each House have been consulted.

8.2. The Order will be debated on the floor of the House of Commons and the House of Lords. The Leaders of each House will announce the date shortly.

The House of Commons will be invited to approve a motion to be tabled by the Leader of the House, which sets out the categories of information, which if agreed to, would be published.

9. Guidance

9.1. The Department of Resources in the House of Commons and the Finance Office in the House of Lords will issue any guidance required for the benefit of Members, if the Order is approved.

10. Impact

10.1. An Impact Assessment has not been prepared for this instrument because it does not impose or reduce costs on business, charities or voluntary bodies.

10.2. A public sector Impact Assessment has not been carried out for this instrument as it does not impose any new costs on the bodies affected.

11. Contact

Stephen Hillcoat at the Ministry of Justice (020 333 44526) can answer queries regarding the instrument.