

PRIME MINISTER

LOCAL GOVERNMENT FINANCE BILL : LORDS AMENDMENTS

You may be interested to see the attached note from the Public Bill Office on the admissability of amendments in the Lords.

This is pretty opaque but the gist of it is that it would be for the House of Commons - in the form of the Speaker acting on the advice of the Clerks - to determine whether a Lords amendment constituted an intolerable infringement of privilege. Of course, the Public Bill Office would offer advice to those seeking to move amendments in the Lords after consultation with the Commons authorities. This may not, however, prevent someone trying it on, and pressing ahead with an amendment which the Commons would subsequently dismiss.

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MARK ADDISON

19 April 1988

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FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE
AND THE CHIEF WHIP

*Mr. Adonis
Doesn't take on
~~at~~ much
like
forward.
PRCG
19/4*

Roger Bright, PS Secretary of State for the Environment
~~Paul Gray~~, PS Prime Minister
Geoffrey Bowman, Parliamentary Counsel
Murdo Maclean, PS Chief Whip Commons
Alison Smith, PS Lord President

LOCAL GOVERNMENT FINANCE BILL

In view of the widespread speculation about the prospects for this Bill when it reaches the Lords, you may wish to be aware of the most recent advice received from the Public Bill Office on the admissability of amendments in this House.

RHW.

R H WALTERS
19 April 1988



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LOCAL GOVERNMENT FINANCE BILL
COMMONS FINANCIAL PRIVILEGE AND LORDS AMENDMENTS

The question whether any Lords amendments made to the Local Government Finance Bill offend Commons financial privilege can only be answered by the House of Commons when the bill is returned to that House. It is not for the Lords authorities to give any ruling on whether amendments may or may not infringe the financial privileges of the Commons, although Clerks will of course offer advice. The Lords Public Bill Office will therefore accept any amendments tabled to the Local Government Finance Bill, subject to their falling within the normal rules for amendments to be tabled in the House of Lords.

The application of Commons financial privilege to bills dealing with local rates is explained at pages 850-851 of Erskine May (20th Edition). This states that the Commons now generally waive their claim regarding amendments made to bills sent to the Lords which deal with local rates. The Commons have recognised that where amendments made by the Lords deal with legislative and not fiscal objects a rigid adherence on the part of the Commons to their privileges might exclude the Lords from any practical consideration of such bills. It is for the Commons to decide whether or not to waive their privileges; in view of past rulings by Speakers of the House of Commons on bills dealing with local rates, the Commons are not bound to disagree with amendments to the Local Government Finance Bill as a matter of course.

Some amendments made by the Lords could, however, constitute an "intolerable" infringement of privilege, in which case the Speaker is required by Standing Order or by practice to prevent their consideration by the Commons. To suggest examples of what might or might not constitute an "intolerable" infringement of privilege would be to give advice on hypothetical amendments and might be wrong. However a rule of thumb guide would be that any amendment moved in the House of Commons which did not require a Financial or Ways and Means resolution in that House might be made to the Bill in the House of Lords without constituting an "intolerable" infringement of privilege. Similarly if an amendment is first moved in the House of Lords, it will only necessarily be regarded as an "intolerable" infringement if it would require a Financial or Ways and Means resolution in the Commons and no such resolution has been passed.

To conclude, the House of Lords Public Bill Office will accept any amendments to the Local Government Finance Bill which are in order in this House. They will try to assist members of the House on the question of whether an "intolerable" infringement of privilege might arise. But such a question can only be settled by the House of Commons when the Bill is returned amended to that House.

J M DAVIES
15 April 1988