



## Government policy announcements

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The Ministerial Code states that when Parliament is in Session, the most important Ministerial announcements should be made in Parliament. However there have been occasions when, for whatever reason, announcements have not been delivered in Parliament first. Often in such cases the Speaker has made a statement to the House deprecating what has happened and sometimes calling on the minister concerned to account for his/her actions.

This note sets out the relevant rules and statements by the Speaker on the matter and also summarises points made in debates on the subject. The present Government has argued that it has a strong record of compliance with the principle but that the issue is not always clear-cut. It has opposed attempts to introduce a protocol enforceable by sanctions.

The Parliamentary Information List, SN/PC/5647, [Speakers' Statements on Ministerial Policy Announcements made outside the House](#) provides further examples.

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## 1 Introduction

The Ministerial Code (May 2010) states that the General Principle is that:

9.1 When Parliament is in session, the most important announcements of Government policy should be made in the first instance, in Parliament.<sup>1</sup>

There are various provisions on enforcement in section 1 of the Code. In particular, it states:

1.5 Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions and conduct to Parliament and the public. However, Ministers only remain in office for so long as they retain the confidence of the Prime Minister. He is the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards.<sup>2</sup>

Erskine May gives the following information about Ministerial Statements:

Ministers make statements in the House on government policy; stating the advice they have tendered to the Sovereign regarding their retention of office or the dissolution of Parliament; announcing the legislative proposals they intend to submit to Parliament; or the course they intend to adopt in the transaction and arrangement of public business. Though these explanations are sometimes elicited by arrangement in reply to a question, the more usual (and older) practice is that they are volunteered spontaneously. Prior notice to the Speaker is necessary, but neither his permission nor the leave of the House is required. The Speaker has, however, expressed support for the principle that statements on important matters should be made in the House first. He has also indicated that he would prefer it if oral ministerial statements were not made on Opposition days.

Since 1964, notice is, whenever possible, given to Members of impending ministerial oral statements by means of notices placed in the Members' Lobby and displayed on the annunciator. In addition, since 2007 Ministers have been able to table notices of intention to make an oral statement for inclusion on the Order Paper. Between 2002 and 2008 copies of statements were made available to Members in the Chamber as soon as the Minister sat down or at the same time as the statement was made available in the Press Gallery, whichever was the earlier, but in 2008 the Speaker stated that the system had not operated as intended and ruled that copies of statements should be made available to Members and to the Press Gallery when the Minister sits down... Advance copies are often made available to Opposition spokespeople as a matter of courtesy, and a statement has been postponed by the Speaker on the grounds that the Opposition had had too little time to study it in advance of its being made. The Speaker has made it clear that the media should not be informed about the content of statements before they have been made to the House.<sup>3</sup>

## 2 Speakers' statements on announcements made outside the House

As Erskine May states, the Speaker has made it clear that statements on important matters should be made in the House first, and the media should not be informed about the content of statements before they are made to the House. A number of Speaker's statements on this subject are footnoted in Erskine May and are listed in the parliamentary information list (for

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<sup>1</sup> Cabinet Office, *Ministerial Code*, May 2010

<sup>2</sup> *Ibid.*

<sup>3</sup> Erskine May, *Parliamentary Practice*, 24<sup>th</sup> Edition, pp370-1

the period since 1983): *Speaker's statements on ministerial policy announcements made outside the House*. The following are among them.

On 30 January 2003 the former Speaker, Michael Martin, stated that:

**Mr. Speaker:** Before I call the business questions, I have a statement to make.

Hon. Members have raised with me their concerns that the substance of ministerial statements has been reported in the media before being presented to this House. Particular reference was made to the Defence Secretary's statement on "Iraq: Further Contingency Preparations" on 20 January and the Education and Skills Secretary's statement on "The Future of Higher Education" on 22 January.

I have made it clear, both from this Chair and in meetings with Ministers, that it is of fundamental importance for the proper functioning of Parliament that this House is the first to hear of important developments in Government policy. I recognise the pressures and difficulties that often face Ministers as a result of press speculation about forthcoming statements. My impression, nevertheless, is that in general Ministers recognise and comply with the convention that I have enunciated.

As regards the two recent statements referred to, I have taken the matter up with the Ministers concerned. So far as the statement on Iraq is concerned, I have received an assurance that neither Defence Ministers nor officials trailed its content with the media. This assurance is supported by the fact that the advance reports in the media contained significant inaccuracies and seriously underestimated the strength of the forces being deployed.

As to the statement on higher education, the Secretary of State has represented to me that the majority of the proposals in the White Paper and the package as a whole received their first airing in the House. He has, however, acknowledged that, in order to ensure that the very many people who would be affected by his proposals on student funding would not be alarmed or misled by speculative stories in the media, he said more than he would have wanted in response to a direct question on television before making his statement. He has expressed his regret about this in a letter to me and has made clear his acceptance of the need to come first to the House.

I propose to leave the matter there.<sup>4</sup>

On 24 June 2009, two days after being elected Speaker, Speaker Bercow stated that:

**Mr. Speaker:** Just before we move on to the main business, I want to make a brief statement of just three points. First, as I said on Monday, when Ministers have key policy statements to make, the House must be the first to hear them, and they should not be released beforehand. Secondly, in statements, I ask the Front Benchers to stick to their allotted times. I also ask that the Back-Bench Members taking part each confine themselves to one, brief supplementary question. In the same vein, I hope that Ministers' replies will be kept to a reasonable length. Finally, I always expect that those speaking in this Chamber will be heard, so that an atmosphere of calm, reasoned debate is maintained.<sup>5</sup>

On 28 June the Home Secretary, Theresa May, made a statement to the House of Commons on Limits on non-EU immigration. The Shadow Home Secretary, Alan Johnson, responded:

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<sup>4</sup> HC Deb 30 January 2003 c1009

<sup>5</sup> HC Deb 24 June 2009 c797

**Alan Johnson (Kingston upon Hull West and Hessle) (Lab):** I thank the right hon. Lady for a copy of the statement. I am pleased that she has come to make the statement to the House. However, I had already seen the statement she has just made because it was handed to me by a journalist this morning at 11.15.

Obviously, the Home Secretary originally intended to lay a written ministerial statement today. Indeed, the title was laid last Friday. This morning I sought that written ministerial statement. I was told that the Home Office was having a press conference prior to issuing the written ministerial statement - something unknown in my time as a Minister. Therefore, I sought the written ministerial statement again. At 11.15 am a journalist who had been to the press conference handed to me a written ministerial statement that is almost precisely the statement that the right hon. Lady has just made.

I hope the Home Secretary takes the matter seriously. As I am sure you will agree, Mr. Speaker, Members of the House have a right to see written ministerial statements before they are circulated to the media.<sup>6</sup>

On 30 June, the Speaker called on Theresa May to make her explanation:

**Mr Speaker:** On Monday the shadow Home Secretary, in exchanges across the Floor of the House, and the hon. Member for Rhondda (Chris Bryant), in a subsequent point of order, complained that details of a Home Office statement on non-EU migration had been passed to the media before the statement itself was delivered to the House. I undertook to look into the matter and to report back to the House. Having made inquiries, I am now able to update the House.

I have established that at a Home Office press briefing on Monday morning, copies of a statement were made available to journalists- [ *Interruption.* ] Order. The content of that statement was very similar to that delivered orally in the House by the Home Secretary on Monday afternoon. As Members know, I am concerned that Ministers should make key statements to the House before they are made elsewhere. In this case the opposite happened, and this was a discourtesy to the House. The Home Secretary is present, and will wish to take this opportunity to say something.

**The Secretary of State for the Home Department (Mrs Theresa May):** Thank you, Mr Speaker. I deeply regret the fact that on Monday, in my attempt to assist the House by changing from making a written ministerial statement to making an oral statement, the copy of the statement that would have been made in writing to the House was handed out to the press before I made my oral statement. I take full responsibility for that, and I have no hesitation in apologising to the House and in assuring the House that I will ensure that it will not happen again.

**Mr Speaker:** I am grateful to the Home Secretary for what she has said, and I will take- [ *Interruption.* ] Order. I will take no points of order on that matter.<sup>7</sup>

Erskine May also notes that the principle that major policy announcements should be delivered first to Parliament, extends to written statements. The following extract from Hansard (6 May 2008) is cited in support:

**Dr. Andrew Murrison (Westbury) (Con):** On a point of order, Mr. Speaker. Today's Order Paper gives notice of a written statement entitled "New investment in Headley Court". We warmly welcome the news, but we question why it was given to the weekend press in advance of the statement. Defence Ministers are becoming serial offenders when it comes to manipulating politically sensitive material that should first

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<sup>6</sup> HC Deb 28 June 2010 c586

<sup>7</sup> HC Deb 30 June 2010 c863

appear before this House. The media had advance knowledge of the answers to the question asked by my hon. Friend the Member for Woodspring (Dr. Fox) on 11 March and to my question of 12 March on the number of medically unfit servicemen. I appreciate that a beleaguered Government must media-manage as best they can, but I would welcome your guidance, Mr. Speaker, on how Defence Ministers can be persuaded not to use our armed forces, and abuse this House, in a way that I fear is becoming routine.

**Mr. Speaker:** The only thing I can say to the hon. Gentleman is that the House should be the first to be told of these matters.<sup>8</sup>

### **3 Backbench Business Committee debates and Procedure Committee report**

The first Backbench Business Committee debate took place on 20 July 2010 and was devoted to the subject of 'information for backbenchers on statements'.<sup>9</sup> The House resolved:

That this House commends the Speaker on the action he has taken over the past year to reassert the principle that Ministers ought to make statements to the House before they are made elsewhere; notes that paragraph 9.1 of the Ministerial Code says that when Parliament is in session, the most important announcements of Government policy should be made in the first instance in Parliament; believes that compliance with this principle is essential for backbenchers to be able to represent the interests of their constituents and hold the Government to account; and invites the Procedure Committee to consider how the rules of the House could be better used or, if necessary, changed to ensure compliance with this principle and to develop a protocol for the release of information.<sup>10</sup>

The Procedure Committee published its report on *Ministerial statements* on 2 February 2011.<sup>11</sup> The report's summary stated:

Parliament should be at the centre of national debate. Too often details of important government statements appear in the press before they are made to Parliament. Such leaks adversely affect the ability of Members of Parliament to scrutinise the Government on behalf of their constituents.

At present, it is the Ministerial Code that sets out the requirement that important announcements be made to Parliament first. However, the Ministerial Code is enforced by the Prime Minister and not by Parliament. We do not believe that it is acceptable for the Government to regulate itself in this way. The House must be responsible for holding Ministers to account when they fail to honour their obligations to Parliament. We therefore propose that the House should have its own protocol which states that the most important government announcements must be made to Parliament before they are made elsewhere.

Such a protocol must be enforced if it is to be effective. We recommend that complaints by Members that the protocol has been breached should be made to the Speaker. Where a case is not clear-cut, or when the alleged leak is particularly serious,

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<sup>8</sup> HC Deb 6 May 2008 c571

<sup>9</sup> HC Deb 20 July 2010 cc244-288

<sup>10</sup> Ibid, c288

<sup>11</sup> HC 602 2010-12

the Speaker should be able to refer the matter to the Committee on Standards and Privileges for an in-depth investigation.<sup>12</sup>

There were also additional recommendations concerning the opportunities for Members to ask urgent questions and to question a minister on the contents of a written statement.

The Government's response made the following point:

Ministers' obligations to Parliament are paramount, but the Government also has a duty to communicate its policies and programme effectively to the wider public, including through the platform of a 24-hour news media. These dual pressures have been a reality under all recent governments—a point made by Members from both sides of the House during the original backbench debate and in oral evidence to the Committee, but that was not reflected in the Committee's Report.<sup>13</sup>

The Government argued that it had a “strong record” of making statements to Parliament as well as answering increasing numbers of urgent questions granted by the Speaker. It said: “Against this background of growing Ministerial accountability to Parliament, there is no case for the protocol that the Committee proposes.” The Government also considered that the existing sanctions were adequate. These were said to include: urgent questions, select committee investigations, questions to PM and Leader of the House, and points of order. It suggested that there was little evidence of “widespread dissatisfaction with the current arrangements”.

A further Backbench Business Committee debate took place on 5 December 2011. Philip Hollobone moved the motion:

That this House expects Ministers to make all important announcements relating to government policy to Parliament before they are made elsewhere on all occasions when Parliament is sitting; considers that information which forms all or part of such announcements should not be released to the press before such a statement is made to Parliament, as recommended in the First Report from the Procedure Committee, on Ministerial Statements, HC 602; and further considers that hon. Members who believe the protocol has been breached should first report this to the Speaker for his judgment and that in the case of a minor breach the Speaker may take appropriate steps but in more serious or more complex cases he would refer the matter to the Committee on Standards and Privileges for further investigation.<sup>14</sup>

Angela Eagle, Shadow Leader of the House, spoke in favour of the motion, saying that:

The large number of urgent questions that Mr Speaker has seen fit to grant during this time is a good measure of the extent of the Government's current disregard for the rules on ministerial statements.<sup>15</sup>

She also said:

The Government's claim that adequate sanctions already exist cannot be true, or there would have been evidence that ministerial behaviour had changed and that Parliament

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<sup>12</sup> Ibid, [summary](#)

<sup>13</sup> Procedure Committee, [First special report: ministerial statements \(including government response\)](#), HC 1062 2010-12, 24 May 2011

<sup>14</sup> HC Deb 5 December 2011 c38

<sup>15</sup> Ibid, c71

was being bypassed in favour of announcement by media on fewer occasions. If anything, the opposite is true.<sup>16</sup>

Sir George Young, Leader of the House, attacked some aspects of the motion:

The motion seeks to lay down a blanket requirement for statements to be made to the House first “on all occasions”, without any exceptions or qualifications. Let us consider a recent example. Does the House seriously imagine that the Government’s policy on the advice to be given to British nationals on travel to Iran should not have been announced before the House sat? Equally, the motion contains no recognition that certain market-sensitive announcements must be made when financial markets are closed. For example, a whole series of announcements by the previous Administration about Government support for the banks were made at 7 am. As the then official Opposition, we understood why Parliament could not be told first.

He said that a blanket interpretation of the principle would “risk squeezing” the House’s other business, and he opposed the creation of new, enforceable rules:

[The proposal...] seeks unrealistically to change the standards expected of Ministers and then seeks to subject them to additional policing that muddies the waters surrounding the role of the Standards and Privileges Committee.<sup>17</sup>

The motion was rejected by 228 votes to 119.

#### **4 Budget leak, 1947**

In November 1947 the then Chancellor of the Exchequer, Hugh Dalton, resigned after giving information about his forthcoming Budget to a lobby correspondent. The incident is summarised as follows in *Brewer’s Politics*:

On his way through the lobby of the Commons to present his Budget on 13 November 1947, Dalton told John Carvel, a correspondent from the London evening paper *The Star*:

No more on tobacco, a penny on beer, something on dogs and [football] pools but not on horses, increase in Purchase Tax, but only on items now taxable, Profits Tax doubled.

An astonished Carvel phoned the scoop to his office, and the paper ran a “Stop Press” announcement of tax changes before the Chancellor was able to inform the Commons – though no one there or in the City would have seen it. This grave breach of protocol by the garrulous Dalton left him with no option but to resign.<sup>18</sup>

The following exchanges took place in the House of Commons:

##### **Budget proposals (Newspaper publication)**

**Mr Raikes** (*by Private Notice*) asked the Chancellor of the Exchequer whether he has considered the accurate forecast of the Budget proposals in a newspaper on sale at 3.45pm yesterday, a copy of which has been sent to him, and if he will institute an inquiry into the source of the information.

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<sup>16</sup> Ibid, c72

<sup>17</sup> Ibid, c77

<sup>18</sup> Nicholas Comfort, *Brewer’s politics*, Cassell, rev ed, 1995, p64

**The Chancellor of the Exchequer (Mr. Dalton):** I very much regret to tell the House that the publication to which the hon. Member refers arose out of an incident which occurred as I was entering the Chamber to make my speech yesterday. In reply to questions put to me by the Lobby correspondent of the "Star" newspaper, I indicated to him the subject matter contained in the publication in question. I appreciate that this was a grave indiscretion on my part, for which I offer my deep apologies to the House.

**Mr Raikes:** Will the Chancellor of the Exchequer convey to that newspaper apart from any indiscretion on his part, the very grave breach of journalistic honour on the part of a newspaper receiving such information to publish it in advance before it could properly appear?

**Mr Churchill:** May I acknowledge on the part of the Opposition, the very frank manner in which the right hon. Gentleman has expressed himself to the House and our sympathy with him at the mis-use of his confidence which has occurred?

**Mr Beverly Baxter:** May I ask the Chancellor, since this involves the professional honour of journalists in general, did the lobby correspondent in question know that it was a friendly and private if, perhaps, ill-judged statement, or did he think it was for immediate publication?

**Mr Dalton:** I do not think that I should add to what I have said to the House. I take the blame for having committed an indiscretion in my relationship with this Lobby correspondent whom I have known, as we have known so many of the Lobby correspondents over a period of years, and I do not think that it would be suitable for me to pass any judgement on him. I have apologised for my part in the matter, and I would prefer to leave it there.<sup>19</sup>

*The Times* reported Hugh Dalton's resignation letter:

...In view of the incident which was raised to-day in the House, I think my duty to offer you my resignation...<sup>20</sup>

In his response, the then Prime Minister, Clement Attlee, stated:

When you informed me of yesterday's incident you immediately offered me your resignation and you have now written to me formally. I have given the matter my earnest consideration and have come to the conclusion with great regret that it is my duty to accept it.

I realize that this indiscretion in itself did not result in any action detrimental to the State, but the principle of the inviolability of the Budget is of the highest importance, and the discretion of the Chancellor of the Exchequer who necessarily receives many confidential communications must be beyond doubt.<sup>21</sup>

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<sup>19</sup> HC Deb 13 November 1949 cc551-552

<sup>20</sup> 'Mr Dalton resigns – "Grave indiscretion" before budget', *The Times*, 14 November 1947

<sup>21</sup> *Ibid.*