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Who owns parliamentary privilege?

The UK Parliamentary Expenses Scandal and the role of the Courts and Parliament in Defining Parliamentary Privilege

Ben Bridge

Monday, 5 December 2011, 1:00 - 2:00 pm
Room LG 102, LG1 Floor, KK Leung Building
The University of Hong Kong

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Parliamentary privilege has received a surprising amount of attention in the UK since the uncovering in 2009 of a succession of questionable expenses claims by UK parliamentarians. In particular, the scandal saw the new UK Supreme Court's first case on the privilege, R v Chaytor (2010). The court took a pragmatic approach, dismissing arguments that only parliament could punish wrongdoing associated with a parliamentary-run expenses scheme, paving the way for MPs and peers to be prosecuted in the criminal courts. The focus of the seminar will be on what this case and the wider scandal tells us about how the courts and parliament relate to each other on questions of the nature of a legislature. In particular, it will highlight continuing uncertainty over who has the final say on the scope and application of privilege: the courts – who have claimed the right to set privilege's extent – or each House of Parliament – where self-regulation is seen as a vital part of each House's independence. The seminar will compare the approach in the UK to that in Hong Kong, where courts have faced similar questions about how they tackle cases involving internal LegCo proceedings.

Ben Bridge is a Visiting Fellow at the Centre for Comparative and Public Law. He is visiting the Centre from the United Kingdom where he is a senior lawyer in the UK Ministry of Justice. Ben specialises in taking constitutional legislation through the UK Parliament. Most recently, he was the lead lawyer on the Fixed-term Parliaments Act 2011 and on the previous government's legislative response to the parliamentary expenses scandal. Before joining the UK civil service, Ben studied at masters level at the University of Oxford and before this was in private practice in Australia.

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Please email Flora Leung at fkleung@hku.hk to reserve a place.