
Editorial

Abuse of Parliamentary Privilege?

The recent unedifying spectacle of Geoffrey Dickens MP using parliamentary privilege as a cloak behind which to name individuals allegedly guilty of serious sexual offences is the latest in a line of cases where people have been condemned without trial in the House of Commons. One recalls, for instance, that in 1980 the Labour MP, Jeffrey Rooker, accused a Rolls-Royce executive of accepting bribes: the allegation was subsequently shown to be unfounded, and Mr Rooker tendered an unqualified apology. Mr Dickens himself, in 1981, named an ex-diplomat whose alleged involvement in child pornography had, he claimed, been covered up by the authorities.

The privilege accorded to MPs to make such allegations without exposure to the laws of defamation was affirmed in article 9 of the Bill of Rights 1689 which declared that, "freedom of speech and debate or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament". The protection does not extend to allegations made by one MP against another, as Brian Sedgemore discovered

last November when he was suspended from the House for refusing to withdraw an allegation that the Chancellor of the Exchequer was "perverting the course of justice" in the Johnson Matthey Bank affair.

Can the "privilege" of parliamentary denunciation without trial be justified today? Backbench MPs undoubtedly do have a vital role to play in exposing crimes, cover-ups and scandals. Sometimes the machinery of investigation and prosecution moves too slowly; clandestine deals are sometimes done that sail dangerously close to being perversions of justice or establishment cover-ups. Elected representatives are entitled to blow the whistle where, for instance, they have reasonable grounds for believing that prosecution of serious offences — be they child abuse or city fraud — is in danger of becoming bogged down by incompetence or vested interests. To do this they must be able to stick their necks out a bit further than the rest of us.

But it would be sad if a hard-won privilege designed to facilitate the exposure of misdeeds became itself an instrument of oppression. Much depends on the good sense of MPs themselves. Much also depends on the firmness of Mr Speaker (who did step in to curb Mr Dickens' over-enthusiasm in the case

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Editor's Note

This is the first in a series of papers in which Law Publishers are invited to submit up-to-date information on their major publications. We hope readers will find this of interest and we welcome suggestions for contributions.

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cited earlier). And thought should be given to the possibility of enabling those falsely accused to insist on a parliamentary investigation to clear their names. There would be obvious difficulties in this (if, for example, criminal proceedings were in contemplation) but the present situation cries out for reform.