



The Speaker

Speaker's House Westminster London SW1A 0AA

22 December 2009

*Dear Mr. Spooner,*

Thank you for your Freedom of Information request of 30 June 2009 (which we numbered F09-423). You asked for a copy of all nomination forms submitted in respect of the election to the position of Speaker held on 22 June 2009.

I published a list of my own nominators on my own website and I had no objection then, and I have none now, to the names of the Members nominating me or any of the other candidates being known. I attach a list from the [politicshome](http://politicshome.com) website which gives nominations in full for all the leading candidates, though unfortunately it is not a complete list.

I hope this is helpful to you. I am afraid, however, that you will find our formal response to you, under the terms of the Freedom of Information Act, rather disappointing.

The reply you received on 23 July explained that the Speaker's election was a Proceeding in Parliament, as set out in Standing Order No 1B, and the information you requested would fall under section 34 of the Freedom of Information Act which provides that information is exempt from disclosure if its exemption is necessary to avoid an infringement of the privileges of either House of Parliament.

On 4 August, you requested an internal review, which was completed on 9 September. I am sorry that it has taken so long since then for us to be in a position to give you a substantive reply.

You asked us to review whether the information requested is covered by parliamentary privilege, and to send you the appropriate certificate if the outcome of the review was that the information is exempt from disclosure under Section 34 (1) of the Freedom of Information Act.

You also asked, in the event that the review determined that the information was exempt from disclosure, that Mr. Speaker should use his discretion and waive parliamentary privilege on this occasion.

You argued that "it is important that the public has confidence in the process for electing the Speaker, and to that end it is important for the public to see evidence that all of the candidates were properly nominated in line with the standing orders of the House. In national elections the names of the assenters for each candidate are published to this end, and it is right that elections to the office of Speaker should be subjected to the same standard of openness and transparency."

The internal reviewer concluded that the original decision to refuse disclosure of the information you requested on the basis of section 34 was correct.

The arrangements for the election of the Speaker and Standing Order No. 1B were agreed to by the House on 22 March 2001 on the basis of a report from the Procedure Committee. In that report the Committee recommended 'that the names of candidates' supporters should not be publicly revealed.' (HC (2000-01) 40, para 48). The recommendations in that Committee's report were explicitly approved by the House of Commons on 22 March 2001.

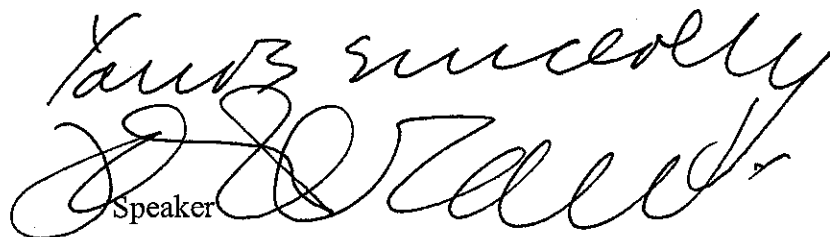
I myself argued in the debate on 22 March 2001 against having a secret ballot, but when the House came to its decision I was in the minority that lost the vote narrowly, by 82 votes to 84.

Section 34 of the FOI Act provides an absolute exemption where disclosure would involve a breach of the privileges of either House. Disclosure of the information in the face of an explicit decision of the House of Commons would be such a breach.

Neither the House itself, nor I as Speaker, have in fact any discretion to waive parliamentary privilege. The bounds of parliamentary privilege are set by law and may be amended only by law. The decision of the House taken on 22 March 2001 determining that the names of candidates' supporters should not be publicly revealed has to be respected, however much I opposed that decision at the time — and indeed however much I regret it now.

In the circumstances, therefore, I am sorry to have to tell you that I have signed a certificate under section 34 as conclusive evidence of the fact that an exemption for the information you requested is necessary to avoid an infringement of the privileges of the House of Commons, which include its right to determine in the rules for the Speaker's election that the names of candidates' supporters should not be publicly revealed.

A copy of the certificate is attached.

Yours sincerely  
  
Speaker

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## The Speakership nominations so far

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PoliticsHome's comprehensive list of who is nominating who in advance of today's Commons Speaker election.

**Margaret Beckett:** Denis McShane (Lab), Ann Coffey (Lab), Richard Caborn (Lab), Linda Gilroy (Lab), Linda Waltho (Lab), Glenda Jackson (Lab), John Battle (Lab), Clive Efford (Lab), Kelvin Hopkins (Lab), Geoffrey Robinson (Lab), Andy Slaughter (Lab), Paul Murphy (Lab), Greg Knight (Con), Angela Browning (Con), Sylvia Hermon (UUP).

**Sir Alan Beith:** Alan Whitehead (Lab), Denis Murphy (Lab), Mark Lazarowicz (Lab), Martin Linton (Lab), Fiona McTaggart (Lab), Eifyn Iwlyd (Plaid), Vince Cable (LD), Jenny Willott (LD), Michael Moore (LD), Annette Brooke (LD), Chris Huhne (LD), Phil Willis (LD), Roger Williams (LD), Greg Mulholland (LD), Steve Webb (LD)

**John Bercow:** Dai Davies (Ind), Charles Walker (Con), Malcolm Bruce (LD), Adam Price (Plaid), Karen Buck (Lab), Sandra Gidley (LD), Julie Morgan (Lab), Natascha Engel (Lab), Peter Kilfoyle (Lab), David Laws (LD), Anne Begg (Lab), Pete Wishart (SNP), Sadiq Khan (Lab), Patricia Hewitt (Lab), Mark Durkan (SDLP)

**Sir Patrick Cormack:** Peter Lilley. Four other Conservatives, five from Labour, a handful from Minority Parties and 10 others.

**Parmjit Dhanda:** Malcolm Wicks (Lab), Alison Seabeck (Lab), David Drew (Lab), Howard Stoate (Lab), John Hemming (LD)

**Sir Alan Haselhurst:** John Gummer (Con), Daniel Kawczynski (Con), Michael Fallon (Con), Robert Walter (Con), Oliver Heald (Con), Edward Leigh (Con), Eddie O'Hara (Lab), Harry Cohen (Lab), George Howarth (Lab), Jim Dowd (Lab), Eric Illsley (Lab), Janet Anderson (Lab), John Thurso (LD), Bob Russell (LD)

**Michael Lord:** No reply so far

**Richard Shepherd:** No reply so far

**Ann Widdecombe:** 15 proposers, amongst whom: Frank Field (Lab), Kim Howells (Lab), John Grogan (Lab), Jim Dobbin (Lab), Nigel Evans (Con), Mark Pritchard (Con), Philip Hollobone (Con), Nadine Dorries (Con), Sammy Wilson (DUP)

**Sir George Young:** Chris Mullin (Lab), Tony Wright (Lab), Stephen Pound (Lab), Fabian Hamilton (Lab), Keith Hill (Lab), Richard Ottaway (Con), Gary Streeter (Con), Michael Jack (Con), James Arbuthnot (Con), Nicholas Soames (Con), Michael Ancram (Con), John Butterfill (Con), David Curry (Con), Peter Bottomley (Con), Peter Luff (Con)

**Certificate issued under section 34(3)  
of the Freedom of Information Act 2000**

This Certificate relates to a request to the House of Commons for the following information held by the House of Commons:

*a copy of all nomination forms submitted in respect of the election to the position of Speaker held on 22nd June 2009*

In relation to the above information I hereby certify that exemption from section 1(1)(b) of the Freedom of Information Act 2000 is required for the purpose of avoiding an infringement of the privileges of the House of Commons.

A handwritten signature in black ink, appearing to read 'John Bercow', written in a cursive style.

**John Bercow**

**Speaker of the House of Commons**

22 December 2009