

Ex-Tory peer Lord Hanningfield cleared of submitting false expenses as parliament overrules the courts

 [telegraph.co.uk/news/2016/07/18/ex-tory-peer-lord-hanningfield-cleared-over-false-expenses-after/](https://www.telegraph.co.uk/news/2016/07/18/ex-tory-peer-lord-hanningfield-cleared-over-false-expenses-after/)

Martin Evans , Crime
Correspondent

7/18/2016

Peers who [fiddle their expenses](#) will no longer be prosecuted after Parliament intervened in a trial to exert its authority over the criminal courts.

[Lord Hanningfield](#), the disgraced former [Tory peer](#), had been accused of abusing the House of Lords expenses system by claiming his generous £300 a day subsistence allowance, despite spending as little as 40 minutes a time in Westminster.

"The prosecution are not in a position to invite the jury to consider the question of what is Parliamentary work, let alone make a determination of it" Judge Alistair McCreath

But on the opening day of his trial prosecutors were forced to offer no evidence when parliament torpedoed the case by insisting such matters were for it and not the criminal courts to decide.

The intervention, which came almost a year after Lord Hanningfield was first charged, means the criminal courts are virtually powerless to prosecute peers who abuse the very system that was introduced in an effort to clean up parliament.

Sources at the Crown Prosecution Service (CPS) last night expressed frustration and bafflement at the last minute decision.

Lord Hanningfield, 76, who was charged under his given name, Paul White, was jailed in 2011 after being convicted of fiddling £14,000 in parliamentary expenses, by claiming for overnight stays in London, when in fact he was returning to his home in Essex.

After being released from prison he once again returned to the House of Lords, but last year was charged again, this time in relation to the new expenses system that allows peers to claim a daily attendance allowance of up to £300.

The former pig farmer was accused of falsely claiming £3,300 by clocking in to the Palace of Westminster but then leaving a short time later.

Prosecutors claimed that on the days in question he had not been engaging in parliamentary work and was therefore not entitled to the allowance.

But at the eleventh hour lawyers for the House of Lords contacted the trial judge, Alistair McCreath, warning that it was not for the courts to decide what constituted parliamentary work.

Exercising the arcane rule of 'exclusive cognisance', intended to protect parliamentary independence, the Westminster authorities effectively overruled the criminal justice system.

Lord Hanningfield's prosecution was the first to be brought since the expenses system was overhauled in the wake of the revelations exposed by the Daily Telegraph in 2009.

But sources at the CPS said following the decision, it would "almost certainly be the last".

Explaining the situation, Judge McCreath told Southwark Crown Court that parliament had exercised its right to say that parliamentary activity was entirely a matter for parliament and not the courts.

"...parliament was saying it is a matter for us parliament to make that determination, not for the criminal

court" Judge Alistair McCreath

He went on: "That expression of parliamentary independence finds a title in constitutional law namely exclusive cognisance.

"At the heart of the crown's case is an assertion that Lord Hanningfield on material dates was not carrying out parliamentary work.

"It is manifestly impossible for the crown to present their case in whatever form without requiring the jury to receive evidence on the topic of and make a determination of what is and what is not parliamentary work."

"At all times, it seems, until the later part of last week it appeared that parliament was not asserting in relation to that topic, what is parliamentary work, that that was a matter for their exclusive jurisdiction.

"In other words parliament was saying it is a matter for us parliament to make that determination, not for the criminal court."

A CPS spokesman said: "Following new information received on 15 July regarding the court's ability to consider what constitutes the definition of parliamentary work, a decision was made to offer no evidence."

A House of Lords spokesman insisted the decision to halt the trial had been taken by the judge after written submissions were made on the question of what amounted to parliamentary work.

Lord Hanningfield was formally found not guilty of false accounting.