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Rt Hon Ed Balls MP
Shadow Chancellor of the Exchequer
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23rd September 2013

Dear Ed

Thank you very much for your letter of September 22nd proposing that the OBR 'provide independent scrutiny and certification' for any commitments on spending and tax in the forthcoming Labour Party manifesto.

This proposal would raise a number of interesting practical issues, but a prior question is whether we would be allowed to undertake this task under the terms of the Budget Responsibility and National Audit Act 2011. We have sought independent legal advice on this point from the Treasury Solicitor's Department and their view is that the Act would prohibit us from doing so and that it would require primary legislation to alter this prohibition.

Needless to say, I would be very happy to discuss any proposals you may have for the role of the OBR. But on the basis of the legal advice we have received, we would be unable to play the role that you suggest in the absence of a change in the law.

Best regards,


Robert Chote
Chairman