

# Rebalancing the Constitution

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# Unfinished Business of Constitutional Reform

- Devolution: Wales, England, London
- Lords reform and parliamentary reform
- Electoral reform
- Human Rights Act
- New Supreme Court and Judicial Appointments Commission
- Weaving the different strands together
- Guardians of our unwritten constitution

## Further powers for Wales

- 2004 Richard Commission on Powers of Welsh Assembly
- 2005 White Paper *Better Governance for Wales*
- Three stage process 1 framework legislation 2 Orders in Council 3 full primary powers
- Strong criticism likely in House of Lords
- Changes to electoral system in Wales

## More powers for Scotland?

- July 2005 McConnell announces review of powers of the Scottish Parliament
- Bigger issue is how devolution is funded
- Scotland does well out of Barnett formula
- Risky to rely on 100% block grant funding
- Westminster still more important legislature
- Criticism of frequency of Sewel motions is misplaced

# The English Question

- North East referendum defeated 4 to 1
- As was Welsh referendum in 1979
- Regional assemblies would need more powers and functions, to show they could really make a difference
- GLA as successful model of strategic authority, likely to be given more powers
- English votes on English laws

# Reform of the House of Lords

- Removal of hereditary peers in 1999
- White Paper in Nov 2001: 20 per cent elected
- Commons votes in 2003: no option wins majority
- 2005 manifesto: remove remaining hereditaries, define powers of House of Lords in statute
- Liberal Democrats hold balance of power

# Parliamentary reform

- Commons Modernisation Committee
- Timetabling of legislation
- Standing Committees beyond reform. Select Committees to scrutinise bills
- Business Committee to decide agenda
- Appointing members of Select Committees

# Electoral reform

- Labour commitments in 1997, 2001, 2005
- Jenkins Commission 1999: AV plus
- 2005 Review of UK's new voting systems
- First past the post ill suited to multi party systems
- Growth of electoral reform in Canada
- Prospects for change in the UK

# Human Rights Act

- Threats to the Human Rights Act
- Not a disaster. 11 cases of reinterpretation under s 3; 17 declarations of incompatibility under s 4
- Government has taken remedial action in every case, or undertaken to do so
- HRA and ECHR will continue to grow. Living instruments, with strong institutional defenders

# New Supreme Court

- Judges emerge stronger from Constitutional Reform Act 2005
- Higher profile and different role for new Supreme Court
- Different case mix, with less private law, more public law and constitutional cases
- Judicial Appointments Commission risks being the judges appointing their own

## Time for a new narrative

- Devolution and decentralisation
- Greater checks and balances
- Greater separation of powers
- Stronger, more effective Parliament
- Greater respect for human rights
- More openness and transparency
- Stronger accountability to Parliament and the public

## Making the connections

- Devolution and representation in the new second chamber
- Devolution and jurisdiction of the new Supreme Court
- Electoral reform as a partial answer to the English Question
- Electoral reform and strengthening Parliament

# Guardians of our unwritten constitution

- The judiciary and the Supreme Court
- Parliament and the second chamber
- Lords Constitution Committee, Joint Committee on Human Rights, Commons Constitutional Affairs Select Committee
- Internal guardians: Cabinet Secretary etc
- Specialist constitutional watchdogs

# Constitutional watchdogs

- Auditor General, Parliamentary Ombudsman
- Committee on Standards in Public Life, Parliamentary Commissioner for Standards, Commissioner for Public Appointments
- Civil Service Commissioners, House of Lords Appointments Commission, Judicial Appointments Commission
- Electoral Commission, Information Commissioner