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Written Submission to the Commission on the Consequences of Devolution
for the House of Commons

I represent West Worcestershire, a beautiful constituency around the Malvern Hills, which lives up to its reputation as being in the heart of England. A common source of grumbling from constituents is the unfair devolution settlement, which allows MPs from the devolved areas to vote on English only matters. This issue is often raised with me, unprompted, and was one of the reasons I decided to select a Private Members Bill on the topic. It was a Conservative party manifesto pledge to tackle this issue.

An increasing amount of legislation at Westminster is England-only. With so much devolved to the Scottish Parliament, Stormont and the Welsh Assembly, many important topics at Westminster like Health and Social Care, Local Government Finance, Planning are English-only legislation. The current coalition Government has a healthy majority in England. However, it is perfectly possible that a future government might have a majority at Westminster but not have a majority in England. Therefore it is important that the Commission find a solution that would prevent a constitutional crisis.

If a future Government relied on Scottish, Welsh and Northern Irish votes to win a Westminster vote on an English-only matter, this would provoke a constitutional outrage.

It is right that the Commission consider this knotty problem during a period where the government enjoys a healthy English majority.

The Conservative party led a democracy task force to discussing this issue and identified a range of options to solve the West Lothian Question:

The first option is the one that the previous Government took for the last decade, which essentially was to do nothing. That approach was best summarised by Lord Irvine's argument-that the best way to answer the West

Lothian question was to stop asking it. For the reasons I give above, I do not think this is acceptable.

A second approach to address the issue is through under-representation at Westminster for the parts of the UK that have their own Parliament, which is often known as the Stormont solution. During most of the 20th century there was a Northern Ireland Parliament at Stormont, and Northern Ireland sent only 11 Members of Parliament to Westminster when its population would have justified 17. This is completely at odds with the Parliamentary Voting System and Constituencies Bill, which brings a welcome equalisation of constituency sizes. Therefore, this option should be rejected.

A third option that people have mentioned is an English Parliament. There is a campaign group for this solution, but that approach leads to a plethora of questions. Would it require separate elections or a separate building? Would we have a First Minister for England? What if the First Minister for England was different from the Prime Minister? That solution would also be extremely expensive, and I do not think that the mood in the country is in favour of an additional layer of politicians. That approach could also lead to the formal break-up of the United Kingdom, so I have completely rejected it.

A fourth approach was the one initially taken by the previous Government - devolution to regional Government, giving the English regions more constitutional power. However, that was rejected decisively in the 2004 referendum in the North-East. It remains to be seen how many English cities will follow London in agreeing to an elected Mayor.

A fifth option, which has been on the table for some time, is something called English votes for English laws. That was the approach outlined in the 2001 and 2005 Conservative manifestos, but it would be difficult to implement in practice as it goes against the ancient tradition of Parliamentary privilege at Westminster.

The recommendation that I thought made the most sense was the one in the democracy taskforce publication which proposed a lower-strength version of English votes for English laws. This proposal was that Bills be certified by the Speaker as English under Standing Orders. They would pass through normal Commons processes as far as and including Second Reading, on which the whole House would vote. The Committee stage would be undertaken by English MPs in proportion to English party strengths. Report stage would be similarly voted on by English Members only, and Third Reading, when no amendments are possible, would again be voted on by the whole House. Others have suggested a double majority system, which also has merits.

However, there are also problems with that approach, but it is those problems that my Bill sought to solve. Some have argued that this process of certification could politicise the Speaker. By requiring the Secretary of State to specify in draft legislation the territorial extent of a Bill, my expectation is that it would be much clearer in the drafting of Bills to which parts of the UK they applied and this could reduce the risk of politicising the Speaker.

Indeed, The Speaker already has the power, under Standing Order No. 97, to certify Bills as having regard to Scotland only. In the past, before devolution, that Standing Order was used quite often, which shows that there is a precedent for such certification and that it would not be beyond the wit of those much wiser than me to come up with some improvements on that Standing Order. The existence of a Welsh Grand Committee at Westminster also offers a precedent for dealing with English-only legislation at Committee Stage.

My Bill also called for a separate statement - a financial memorandum - on the financial implications of legislation on the constituent parts of the United Kingdom. Again, this is designed to be help by making any financial effects of legislation-for example, via the Barnett formula-clear and unambiguous.

Therefore I favour a solution that can be achieved by making an alteration of the Standing Orders of the House of Commons and I am confident that the Commission has the right expertise to find this solution.

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