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NEW SUPREME COURT (CONT'D)

The selection commission is composed of the President and Deputy President of the Court along with members of the judicial appointment bodies from England and Wales, Scotland and Northern Ireland. All newly appointed judges will formally be Justices of the Supreme Court and not members of the House of Lords. Earlier this summer, it was announced that the Court will allow its proceedings to be televised when requested by the media.

PARLIAMENT

House of Commons Reform Committee

Alongside the new Parliamentary Standards Bill (see below), one of Gordon Brown's announcements in June following the MPs' expenses row was the establishment of a new committee on reform of the House of Commons chaired by Tony Wright MP. This initially sounded like a commission or taskforce, but went on to be established formally as a select committee. Its creation was delayed by disagreements over the committee's terms of reference, but was agreed on the day before the Commons rose for summer recess (20 July). The committee is charged with looking at scheduling of business in the House, the appointment of members and chairs of select committees, the appointment of deputy speakers, public initiation of parliamentary proceedings and other related matters. It has a limited life, being required to report by 13 November, before which agreement must be reached by its 18 members. One central issue for the committee is whether it should recommend creation of some kind of "Business Committee" to schedule House of Commons business. The 2007 Constitution Unit report *The House Rules?*, which has been mentioned by Justice Secretary Jack Straw in connection with the committee's work (see Liaison Committee evidence, 14 July), recommended establishment of a Business Committee specifically for timetabling non-government business. The report's co-author, Unit Deputy Director Meg Russell, has been appointed as a specialist adviser to the committee.

Lords reform: stages 2 and 3?

It seems you wait years for a package of Lords reform to come along, and then two arrive at once. In part spurred by the general furore around MPs' expenses, and in part due to the impending general election, the government has proposed further interim changes to the House of Lords, and set out a wholesale reform package to create a largely or wholly elected second chamber.



have also been relaxed. The Act introduces a number of measures designed to ensure greater transparency and accountability relating to donations received by political parties and candidates. For example, future donations will have to be accompanied by a declaration as to the source of the money, and donations of more than £7,500 can only come from UK residents. Finally, the Act sets in motion a process to pave the way for individual voter registration.

DEVOLUTION

Scotland

The previous Monitor questioned the Scottish Government's ability to maintain its image as a strong and competent government: when faced with problems passing its budget legislation (highlighting the problems faced by minority governments); when struggling to address the economic crisis (highlighting its limited economic policy levers); and when faced with a limited ability to engage in intergovernmental issues with the Prime Minister rather than the Scottish Secretary (highlighting its status as another UK government department rather than a government in its own right). In this period, the issue of the Lockerbie bomber served further to challenge the SNP Government's image both internationally and with its own electorate.

The issue is multi-faceted and still unfolding. While the decision about whether or not to release Megrahi from Greenock prison was ostensibly one for Scottish Justice Secretary Kenny MacAskill, it was linked to levels of external pressure. This came not only from highly vocal US sources – such as the FBI director Robert Mueller and Secretary of State Hilary Clinton – against his release, but also alleged pressure from UK government sources to allow his release as a way to foster closer economic and political links between the UK and Libya. More could have been made of the Scottish-UK intergovernmental issue had MacAskill agreed to Megrahi's release under the UK-Libya prisoner transfer agreement, particularly since Alex Salmond was highly critical of then Prime Minister Tony Blair's involvement in the agreement and the absence of FCO consultation with the Scottish Government. Instead, MacAskill released Megrahi on compassionate grounds, allowing him and Salmond to present a narrative based on Scottish ministerial autonomy (which the UK Government has been happy to reinforce, with Gordon Brown particularly reluctant to comment) and the principles of Scots law, leaving others to explore the degree of external interference.

So far, although the decision has proved unpopular with Scots and potentially damaged the SNP's electoral chances, it has not undermined the status of the minority Scottish Government. Neither has it produced significantly greater pressure for MacAskill (already under parliamentary pressure over such issues as knife crime and court reforms) to resign as Justice Secretary. Lockerbie has overshadowed the other main issue in this period: the publication of the Calman report. The report was surprisingly ambitious, calling for more fiscal autonomy for the Scottish Parliament (although actually producing a plan that makes it more accountable than autonomous, by increasing the Scottish Parliament's ability to vary income tax but not alter the mix of taxes over a

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The findings showed that FOI has achieved its two core objectives of increasing transparency and accountability. Central government is more transparent, and is pro-actively releasing information with a more 'open attitude'. FOI has also been used as a tool of accountability, though only when the context is supportive.

However, FOI has not met its supporters' highest hopes. It has had little impact upon the secondary objectives. The study found that FOI had not improved decision-making, as wider initiatives towards evidence based policy-making had a far greater influence. FOI has not increased public understanding, as the media rarely reports FOI disclosures that have revealed decision-making information. Requesters rarely ask for it and access to such information is not guaranteed. Nor has FOI widened public participation. It is used mainly by professionals (journalists or campaigners) or those members of the public already involved in the political process in some way. Finally, FOI has not increased public trust. The most frequent stories revealed by FOI and highlighted by the media concern failure,

Devolution Monitoring Reports

Sadly the ESRC has decided not to continue funding the Devolution Monitoring Reports, which we produce with our research partners in Scotland, Wales, Northern Ireland and the English regions. In 2008 we obtained offers to fund the reports for a further three years from the UK government and the Welsh and Scottish governments. We then sought matching funding from the ESRC under their Ventures Fund, but they have declined to do so. We are still in discussion with the three governments to see if they might be willing to fund a streamlined set of reports. It would be a great pity to abandon our work on devolution, and the research networks it sustains, just when it has reached such an interesting juncture.

Minority and coalition government

In anticipation of a possible hung parliament after the next general election, we are revisiting and updating earlier research conducted by Ben Seyd. In 2000-01 he carried out a two year study which looked at coalition government in Denmark, Germany, Ireland and New Zealand. His report was published as *Coalition Government in Britain: Lessons from Overseas* (CU publication 84). It covered the rules on government formation and dissolution; negotiating a coalition; drafting the coalition agreement; and managing coalition government.

Our new study will focus mainly on minority government, and will update the previous study by looking at the experience of New Zealand since 1996, Canada (13 minority governments in the past century), and Scotland. The Unit's research team is led by Robert Hazell, with Mark Chalmers from Canada and Ben Yong from New Zealand, working in partnership with Akash Paun from the Institute for Government.

Recent experience in Canada shows the difficulties of minority government, but Scotland and New Zealand both demonstrate that minority government can be stable, coherent and effective. Our report will be published in the autumn, and will draw out the lessons for the Prime Minister, Parliament, opposition parties, the Crown, the media and the public. If you want to see the report in draft, contact r.hazell@ucl.ac.uk

Conservative agenda for constitutional reform

The Unit is planning to produce a briefing on the Conservatives' agenda for constitutional reform, similar in spirit to the briefing we produced before Gordon Brown became Prime Minister in 2007. It will take all the Conservatives' known policy commitments,

and the unfinished business from recent constitutional reforms, and set out the options facing an incoming government. The biggest items on the Conservative agenda are a referendum on the EU Treaty; replacing the Human Rights Act with a British bill of rights; reducing the size of the Commons and the Lords; introducing English votes on English laws; and strengthening Parliament.

The Conservatives will not want to move fast on all these items. David Cameron has indicated that Lords reform is a 'third term' topic. Reducing the size of the House of Commons would take at least two parliaments, and might not be implemented until the third. Developing a British bill of rights would require widespread public consultation, which would also take years. One purpose of the briefing is to think through the phasing and the timetable for the different constitutional reform items, and their impact on each other, so that the Conservatives and Whitehall have a more realistic sense of what they might do, and in what order.

Pre appointment scrutiny hearings

The Unit has been commissioned by the Cabinet Office and the Liaison Committee of the House of Commons to conduct an evaluation of the new scrutiny hearings being conducted by Select Committees before major public appointments. This innovation was first proposed in Gordon Brown's 2007 Governance of Britain green paper. In 2008 the government and Liaison Committee

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