

for parliamentary approval if the Prime Minister wants an early general election generating the controversy above about Johnson seeking to circumvent his removal. Multiple bills before parliament including the Northern Ireland Protocol Bill (see page 16) and [Online Safety Bill](#) (see page 9) contain significant new powers for ministers to act without detailed scrutiny. The [promised](#) _____ (see page 4) threatens to do the same. Parliamentary oversight has been avoided on several international agreements (see page 3). Multiple concerns have been expressed about the treatment of select committees (see page 3).

Parliament



committees: [first](#), about multiple failures to respond to select committee reports within the two-month period (one of which is four years overdue); [second](#) about failures to provide either the information or the time needed to support select committee scrutiny.

Similar themes emerged in other clashes between select committees and the executive. In late May Cabinet Secretary Simon Case was [withdrawn](#) from an evidence session with the Commons Public Administration and Constitutional Affairs Committee (PACAC) at short notice; the committee had been expected to question him on the Greensill affair and Downing Street parties (see page 10), among other topics. Case ultimately [appeared](#)

Speech, the chairs of PACAC, the Joint Committee on Human Rights, the Commons Justice Committee and the Lords Constitution Committee [wrote](#) to Justice Secretary Dominic Raab to urge the government to put the proposed Bill of Rights through pre-legislative scrutiny, which it declined to do. Following the fall of Boris Johnson, Raab himself [postponed](#) a planned appearance before the Joint Committee from July until the autumn. Home Secretary Priti Patel also [pulled out](#) of a planned evidence session before the Commons

the crisis in government caused by mass resignations of her colleagues (see page 10) as her justification. Business Secretary Kwasi Kwarteng similarly [failed to attend](#) a session of the Commons Environmental Audit Committee: the committee stated that neither apology nor explanation was provided for his absence. Whether these matters will get back on track under the new Prime Minister remains to be seen.

Parliamentary scrutiny of international agreements

An

The Lords Conduct Committee has also [recommended amendments to its Code of Conduct](#), including a

of speech. After [a complaint](#) was lodged in relation to statements made during a parliamentary debate on trans prisoners, [concerns were expressed](#) that allowing the Commissioner for Standards to investigate such complaints was an affront to parliamentary privilege and would have a chilling effect on how members speak in debates. The committee recommended that the Code be amended to make clear that statements made in the chamber could not alone form the basis of a complaint.

Party leaders investigated over ethical conduct

The Commons passed [a Labour motion](#) on 21 April that referred Boris Johnson to the Commons Committee of Privileges due to allegations that he knowingly misled parliament over partygate. Conservative whips initially sought to amend the motion to force a delay. But, finding they could not sustain support for Johnson on their own benches, they [dropped the amendment](#) to allow a free vote. The motion then passed without any opposition.

against Johnson as an MP. For technical reasons, there was initially some uncertainty as to whether the law requiring a [recall petition](#) to be opened if an MP is suspended from the Commons for more than 10 sitting days (or 14 calendar days) would apply in this case. But Commons Speaker Lindsay Hoyle [confirmed](#) in July that it would. Were such a petition supported by 10% of the electorate in his Uxbridge and South Ruislip constituency, a by-election would result. Johnson would be able to stand as a candidate, as Chris Davies did [unsuccessfully](#) in 2019.

Concerns about the likely conclusions, which will follow sometime after the parliamentary summer recess, no doubt fed disquiet on the Conservative benches, contributing indirectly to the party's

Labour leader Keir Starmer is

[Harriet Harman \(CC BY 2.0\) by University of Salford.](#)

The inquiry will be chaired by Harriet Harman, who was elected to the role after the [former](#) chair, Chris Bryant, [recused himself](#), having publicly commented on the Downing Street parties prior to the referral. The committee established the [new](#) processes in a [report](#) published on 21 July. This confirmed that Boris Johnson will give oral evidence on oath and that the standard of proof for the [factual](#) conclusions is the balance of probabilities, rather than the higher threshold

The investigation continues, notwithstanding the Prime

be covered if its recommendations were implemented. The proposed maximum sentence for the offence is six months: this was revised down from 12 months on the basis that the period suggested at consultation stage

The inquiry was subsequently expanded to consider changes to the proxy voting scheme.

Guidance [issued](#)

The report included a draft Parliamentary Committees (Witnesses) Bill, which had been redrafted after the consultation to make clear that MPs and peers are to be exempt from its provisions. Draft guidance on the process for committees to follow in relation to non-attending witnesses was also included; the report cited this fact and the creation of a summons process as a justification for its belief that concerns about the potential chilling effect of its proposals are unfounded. It is unclear if [critics of the plans](#) will be convinced that the

Dissolution and Calling of Parliament Act

The [Dissolution and Calling of Parliament Act](#), which repealed the [Fixed-term Parliaments Act 2011](#) (FTPA), received royal assent on 24 March, having been approved without any amendments. The Lords voted in favour of an amendment retaining a role for the Commons in approving early general elections, but MPs then rejected this proposal [by 292 votes to 217](#). Hence early general elections no longer require parliamentary approval, and the Act has instead revived the prerogative powers abolished in 2011, under which the Prime Minister can request a parliamentary dissolution from the [ouster clause](#)

the default date of the next general election. Under the FTPA, this was due in May 2024. But the current parliament could now be dissolved as late as 17 December 2024, with an election then following in January 2025. It also opened up room for controversy about the calling of a [election](#), which followed immediately after the Act was passed (see page 10).

Proxy voting and babies in the Commons chamber

On 24 November 2021, the Commons Procedure Committee was [asked by the Speaker](#) to consider whether MPs should be permitted to bring babies into the Commons chamber and Westminster Hall.

works. This mandate widens the range of options for delivering the work, prioritises safety-critical work, and commits to regularly reviewing the delivery strategy during the project.

Changes to electoral law

The [Elections Act](#) became law on 28 April. As reported in *Monitor 80* (pages 6

assemblies and other initiatives. Other proposals included a National Participation Strategy, a Participation Academy



response was not made subject to pre-legislative scrutiny in draft, but was introduced by Justice Secretary Dominic Raab the very same day. Not for the first time during the Johnson government, Commons Speaker Lindsay Hoyle [complained](#) as part of his introduction to the debate that a minister was making a statement in the chamber after its contents had been extensively leaked to the media.

[Justice Secretary Dominic Raab](#) ([CC BY-NC-ND 2.0](#)) by [UK Government](#).

The bill seeks to repeal and replace the [Human Rights Act 1998](#) (HRA), which incorporated the European

Parties and
politicians



party

would be held later that day. It seemed unlikely that the rebels would have the votes to win and so it proved: [Johnson won by 63 votes](#), with 148 (41%) of his 359 MPs voting against him. Party rules stated that another confidence vote could not be held for 12 months, but the scale of the rebellion prompted [immediate speculation](#) that backbenchers would try to change those rules to permit another challenge.

Nations and regions



[Leadership contenders Rishi Sunak and Liz Truss \(CC BY-NC-ND 2.0\)](#) by [UK Prime Minister](#).

In the end, it was his ministers who forced Johnson out,

a lack of consultation in relation to the Freedoms
makes a mockery of the UK recent
commitment to reset relationships with the Devolved
Meanwhile, the Welsh Minister for the
Constitution, Mick Antoniw, [described](#) the process that
preceded the Bill of Rights Bill as unsatisfactory, not
least in relation to engagement with the Devolved
Go
receive [legislative consent motions](#) as currently framed.

The next Prime Minister will

presage an early border poll on Irish unity is overheated, as the nationalist vote overall was around 40%.

[Michelle](#) [Vice-President of Sinn Féin \(CC BY 2.0\)](#) by [Sinn Féin](#).

The share of the vote received by parties of the centre ground increased dramatically, with Alliance more than doubling its representation to 17 MLAs. The binary unionist versus nationalist character of Northern Ireland politics, which informed the Belfast/Good Friday Agreement, is changing.

The DUP seems unlikely to nominate a deputy First Minister until the Protocol Bill is much nearer to implementation. In an unexpected twist, the DUP also [blocked the election of an Assembly Speaker](#), which means that the Assembly cannot meet. Existing departmental ministers remain in post, but are unable to take controversial or crosscutting decisions in the absence of an Executive (which only the First Minister and deputy First Minister can call, acting jointly).

London is mistrusted on all sides, which reduces its honest broker capacity; as does [the rupture in relations with Dublin](#), and the end of the [traditional Westminster bipartisanship on Northern Ireland](#). The Protocol Bill opens up the prospect of Northern Ireland, or the whole island, being [excluded](#) from access to the European Single Market for goods. That might lead non-unionist parties to rethink their willingness to participate in devolved government. A perception that the Bill of Rights Bill [weakens the guarantees](#) on human rights might have a similar impact.

[bill to end prosecutions, civil cases and inquests in relation to Troubles deaths](#). The proposals, essentially motivated by a [commitment](#) to end the prosecution of British

soldiers for such deaths, were unanimously rejected by the previous Assembly.

Prospects for a return to devolution thus appear poor, and any restored Executive would be fragile: the [underpinnings of devolution are crumbling](#).

If a First Minister and deputy First Minister are not appointed by October, the Northern Ireland Secretary must by law call new elections, though whether this would change the political climate is unclear. Shailesh Vara replaced Brandon Lewis as Secretary of State after the latter [resigned](#) as part of the push to oust Boris Johnson in July (see page 10). It is impossible to know who will be in post come October, or what their approach will be. mu562558.66 2o75fmw1 1 fm.1W*n6 84 a1.66

The Northern Ireland Protocol

The [Northern Ireland Protocol Bill](#) was introduced in the Westminster parliament on 13 June, causing 3(wi)-6(l)5(l)-6

remove the requirement for Northern Ireland to apply EU customs rules on goods coming from mainland Britain that are not intended to leave Northern Ireland. [Controversially](#), the bill also provides very extensive powers for ministers to make further changes to the operation by means of secondary legislation i.e. with minimal parliamentary oversight.

It remains unclear what action the EU will take if the bill is enacted, but it has [resumed legal proceedings](#) against the UK for earlier breaches. It has been suggested that the government intends to use the bill only as a [negotiating tactic](#), however misguided such an approach might be.

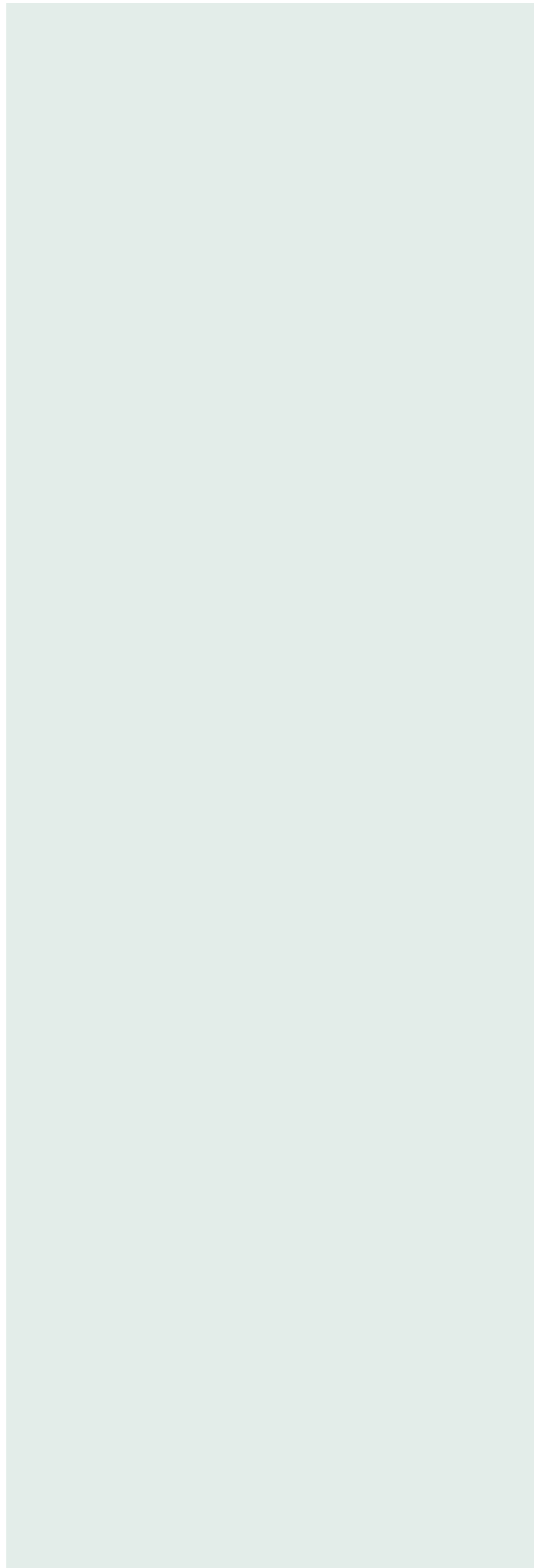
Scotland

Council elections in Scotland in May saw [the SNP come first once again](#), with Labour now second and the Conservatives third.

The last few months have marked a new phase in

Scottish government published [*Independence in the Modern World. Wealthier, Happier, Fairer: Why Not Scotland?*](#), setting out the framework of its political case for independence. The paper centred around an argument of economic underperformance by the United Kingdom compared to a range of (small, prosperous) comparator countries on a variety of measures. It sought to illustrate the weaknesses of the UK rather than the potential of an independent Scotland, a subject of intense contestation in the original independence debate.

of an agreed position



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Events from our 2022 seminar series recently made available online

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Professor Catherine Barnard, Professor of European Union and Labour Law at the University of Cambridge, **Ruth Chambers**, Senior Parliamentary Affairs Associate at Greener UK, **Dr Tom West**, Delegated Legislation Review Manager at the Hansard Society.

Chair: **Dr Joe Tomlinson**, Senior Lecturer in Public Law at the University of York.

Recorded on 22 July.

[The 1997 Labour Programme: 25 Years On](#) [Constitutional Reform](#)

Baroness (Shami) Chakrabarti, former Director of Liberty, **Lord (Charlie) Falconer of Thoroton**, Shadow Advocate General for Scotland and former Lord Chancellor, **Professor Robert Hazell**, former Director of the Constitution Unit.

Chair: **Professor Meg Russell**, Director of the Constitution Unit.

Recorded on 17 May.

Professor Catherine Barnard, **Frances Foley**, Deputy Director of

wrote articles for the [Conversation](#) (7 April) and [Prospect](#) (11 April). Alan also spoke at a Friedrich Ebert Stiftung webinar: [Power from the People? Citizens' Assemblies in the UK and Ireland](#) (25 April), and at the Edinburgh Futures Institute Summer School (24 June) about the Assembly.

Alan Renwick co-authored a letter to the [Times](#) arguing for the continuing independence of the Electoral Commission (22 April). He later authored a separate letter to the [Times](#) in the run up to the local elections which warned against the idea of using local elections to gauge the popularity of the Prime Minister (24 April).

Meg Russell spoke about the role of MPs when the Prime Minister misleads parliament on [Times Radio](#) (14 April), [Radio Scotland](#), BBC World and BBC News (all 19 April) and wrote a letter to the [Times](#) on the same subject (14 April). Robert Hazell was quoted by [News International](#) on the role of Conservative MPs in supporting the Prime Minister (14 April).

Meg Russell appeared on the [New Statesman podcast](#) to discuss the health of democracy in the UK. Following the unsuccessful vote of no confidence in Boris Johnson as Conservative leader, she also spoke to [Sky News](#) (8 June).

Meg Russell was quoted in the [House](#) about whether the House

