

# SCHOOL *of* PUBLIC POLICY

UNIVERSITY COLLEGE LONDON  
29/30 Tavistock Square, London WC1H 9QU  
tel.: 020 7679 4977 fax: 020 7679 4978  
email: [constitution@ucl.ac.uk](mailto:constitution@ucl.ac.uk) [www.ucl.ac.uk/constitution-unit](http://www.ucl.ac.uk/constitution-unit)

The **Constitution** Unit

*Director: Professor Robert Hazell*

## PRESS RELEASE

For release 9-Jan-2006

---

### LABOUR'S THIRD TERM REFORM AGENDA FOR ENGLAND WILL DEPEND ON SCOTTISH MPs BUT NO EASY ANSWER TO THE WEST LOTHIAN QUESTION, SAYS NEW REPORT

January 9th 2006

A report published today by think tank the Constitution Unit shows the controversial West Lothian Question (WLQ) – which asks why Scottish MPs should vote on English matters when equivalent policy is devolved to the Scottish Parliament – may become a major tension in Labour's third term. However, it shows that there are no easy answers to this conundrum, arguing that the policy of "English Votes on English Laws" is fundamentally unworkable in Britain's constitution.

The report argues that Tony Blair's radical plans for further public service reform, for example in education, policing and health - all largely restricted to England, or at most England and Wales - will increasingly depend on the support of Scottish MPs. The 2005 General Election saw Labour's majority in England slashed from 117 to just 43. Only a small backbench revolt will therefore trigger a decisive West Lothian vote. There were already four such votes in the last parliament (see below). However, the Conservatives' policy response to the WLQ – "English Votes on English Laws" – would create more problems than it would solve.

#### **Researchers Meg Russell & Guy Lodge said:**

"Given the new electoral arithmetic, and controversial reforms in education, health and policing on the way, the West Lothian controversy is very likely to come to the fore in Labour's third term. But there are no easy answers to the problem. 'English votes on English laws' is unworkable, so the British may just have to learn to live with this constitutional anomaly, as they do with many others."

#### **KEY FINDINGS:**

Providing the most detailed analysis of the notorious West Lothian Question the report presents original research, surveying how the public and MPs view how

Westminster governs England after devolution and exploring the credibility of the various reform options that have been put forward to answer the West Lothian Question.

- By 2003 some 60 per cent of the English public and 48 per cent of Scots believed that ‘Scottish MPs should no longer be allowed to vote on English legislation’.
- The parties are completely split on the West Lothian Question. A survey of MPs in 2004 found that 92.5 per cent of Conservatives believed that Scottish and Northern Irish members should be excluded from voting on legislation affecting only England and Wales; but just 8 per cent of Labour members agreed. The equivalent survey in 2002 found support for the proposition among 79 per cent of Conservative MPs, suggesting that attitudes are hardening.
- But party attitudes have virtually been reversed on this issue. The last person to seriously consider a policy like English votes on English laws was the Labour PM Harold Wilson, who resented Northern Irish MPs voting on legislation that didn’t affect them. A closer reading of history, therefore, reveals that party positions are driven by political interest and not constitutional principle.
- Despite the growing controversy surrounding the West Lothian Question, Scottish MPs have not changed their voting behaviour. In the 2001-02 Parliament, Scottish MPs voted on 61.2% of legislation that **did not** apply to Scotland, just below their turnout for bills that did apply to Scotland (70.1%).
- The Conservatives’ preferred policy of “English votes on English laws”, however, has little chance of success. It would in effect create a separate English Parliament within Westminster, and the potential for an elected UK government unable to legislate for England, its largest constituent part. This would cause a constitutional crisis far greater than the WLQ itself. This is why the policy has been consistently rejected as unworkable since Gladstone first considered it in 1886.
- A more transparent solution would be to explicitly create an English Parliament. But only 16% of the public support this option, which is in effect what would be introduced by “English votes on English laws”.
- Despite media interest in a so-called ‘Scottish Raj’ within Whitehall, the number of Scottish ministers has significantly declined since devolution. At 22 per cent of the government, Scots were over-represented in 1997; but by 2003 this had fallen to 12%.

## KEY FACTS

### 1. The new electoral arithmetic post-May 2005:

Election	Labour’s UK majority	Labour’s England majority
97	177	127
01	165	117
05	64	43

## 2. 'West Lothian' Votes under Blair:

On four occasions in the 2001 Parliament Labour relied on the support of its Scottish MPs to pass controversial legislation on foundation hospitals and tuition fees which only applied in England (or England and Wales\*). If only English MPs had voted then the legislation would not have passed.

Date	Bill	Breakdown of vote for all UK MPs For - Against Government	Breakdown for English MPs only For - Against Government	Majority against government among English MPs
08-07-03	Health and Social Care Bill (2 <sup>nd</sup> Reading )	286 -251	217 - 218	1
19-11-03	Health and Social Care Bill (3 <sup>rd</sup> Reading)	302 - 285	234 - 251	17
27-01-04	Higher Education Bill (2 <sup>nd</sup> Reading)	316 - 311	246 - 261	15
31-03-04	Higher Education Bill (3 <sup>rd</sup> Reading)	316 - 288	244 - 246	2

\* Note that one of the difficulties in resolving the WLQ is that it is not always clear-cut which areas of the UK are affected by a bill. For example in these cases the Welsh Assembly was given the option to introduce similar policy to England, but chose not to do so.

### Notes to Editors:

- The Constitution Unit is a specialist think tank working on the implementation of constitutional reform. It is independent and non-partisan, based in the School of Public Policy at University College London.
  - The authors can be contacted as follows:
    - Meg Russell 07759 534160
    - Guy Lodge 07917 431278
  - The report, "Westminster and the English Question" by Meg Russell and Guy Lodge, is available now from the Constitution Unit.
-