

# Constitution Unit

## Monitor 63 / June 2016



### The EU referendum: a fair process?

The forthcoming referendum on whether the UK should remain a member of the European Union or leave – to be held on 23 June – has raised many important constitutional questions.

In part, these concern the implications that a vote for Brexit would have for the constitution and the distribution of power in the UK and the EU. As reported elsewhere in this edition of *Monitor*, these issues have been addressed in a series of Constitution Unit [seminars and briefing papers](#) in recent weeks (see page 14). The briefing papers, as well as videos of the seminars, are [available online](#). The process of Brexit has also been [examined in detail](#) on the Constitution Unit blog by Alan Renwick.

In addition, important questions relate to the referendum process itself. Democracy requires that referendums be conducted fairly, but the rules surrounding referendums in the UK remain deeply contested. As reported in [Monitor 61](#) (page 12) and [62](#) (page 11), the legislation enabling the referendum passed through parliament last year amidst much controversy and only after multiple government concessions. Since David Cameron announced the date of the vote on 20 February, five important aspects of referendum conduct have received particular attention.

First, in line with the Prime Minister’s announcement in January, ministers have been allowed to campaign against the government’s position of supporting a vote to remain in the EU. Five full members of cabinet have done so (one of whom – Iain Duncan Smith – has subsequently resigned), as have a number of junior ministers. This is only the [third time](#) that ministers from the same party have been allowed to disagree so publicly (the other cases being the Common Market referendum in 1975 and the issue of direct election to the European Parliament in 1977), although there were various ‘agreements to disagree’ between the 2010–15 coalition partners. Ministers have repeatedly dismissed each other’s arguments to a degree that will make a post-referendum return to collective cabinet responsibility very difficult.

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There was controversy when the Cabinet Secretary, Sir Jeremy Heywood, set out [guidance to civil servants](#) indicating what support they could and could not give to pro-Brexit ministers. Bernard Jenkin, Chair of the Commons Public Administration and Constitutional Affairs Committee (PACAC) and a prominent Brexit campaigner, initially [expressed concern](#) that ministers would be denied access to a wide range of materials. [Oral evidence to PACAC](#) from Sir Jeremy offered clarification and somewhat assuaged this concern, but [doubts have continued](#).

Second, questions have been raised around *purdah*: the [rules](#) that apply during the final 28 days before the vote that prevent the government from publishing materials relating to the referendum or the issues it raises. Bernard Jenkin [wrote](#) to Sir Jeremy Heywood expressing concerns over whether these rules would be followed. Sir Jeremy [replied](#) four days later, setting out how the government intended to comply. Whether further controversy would arise during the *purdah* period itself – and whether compliance with *purdah* would inhibit the normal operation of government – remained to be seen at the time of writing.

Third, there has been discussion of government involvement in the campaign ahead of *purdah*. The principal controversy has related to a government [mailing to all households](#) that cost over £9 million: the cabinet minister and Leave campaigner Michael Gove [said](#), ‘I think it is wrong that money that should be spent on priorities like the NHS is being spent on euro-propaganda.’ In addition, the Treasury published detailed analyses of the [short-term](#) and [long-term](#) economic impact of EU membership, and the Bank of England Governor, Mark Carney, [said](#) that a Leave vote would harm economic growth. Whether referendum fairness ought to preclude such interventions is an open question.

The fourth issue concerns the role of the Electoral Commission. The Commission has [multiple functions](#) in referendum campaigns, perhaps the most delicate of which are the designation of ‘lead’ campaign organisations (which can [spend more](#) than other groups and receive various forms of [taxpayer-funded support](#)) and the provision of public information on the referendum question. Regarding campaign designation, this is the first referendum in which the Commission has faced a choice between plausible groups: while [Britain](#)

[Stronger in Europe](#) was the only group that sought the Remain designation, [Vote Leave](#) and [Grassroots Out](#) both applied for the Leave role. Following [detailed analysis](#), the Commission concluded that Vote Leave was more widely representative of those campaigning for Brexit. As to public information, the Commission produced a [leaflet](#) including a page supplied by each designated campaign. This contrasted with the 2011 AV referendum, when the Commission itself [wrote descriptions of the options](#), thereby exposing itself to [accusations](#) of bias.

Finally, the referendum has raised major questions around media balance. Broadcasters are required to maintain strict impartiality, and the BBC, as well as other broadcasters, published detailed [editorial guidelines](#). Allegations of [BBC bias](#) – in both directions – have been predictably frequent. Important questions around what impartiality should mean have also been raised, including whether a simple ‘[seesaw](#)’ between the two sides and abstention from [judgements over truthfulness](#) are appropriate. Coverage in print and online media, meanwhile, has been [unbalanced](#) and has often endorsed misleading claims.

In contrast to [some other countries](#), no official body is charged with monitoring truthfulness in referendum campaigns in the UK. Nevertheless, the UK Statistics Authority rebuked the Leave campaign, labelling one of its central claims as ‘[potentially misleading](#)’, while the Commons Treasury Committee [criticised both sides](#) for making statements that were ‘misleading’ and ‘tendentious’. In addition, fact-checking websites have risen in prominence, and academics – notably at King’s College London’s [UK in a Changing Europe](#) programme – have sought to make research findings more accessible than ever before. Given all of these controversies, careful post-vote analysis will be needed on whether the conduct of referendum campaigns can be further improved.

Given all of these controversies, careful post-vote analysis will be needed on whether the conduct of referendum campaigns can be further improved. Alan Renwick [sets out several options](#) on the Constitution Unit blog. How far any reforms can strengthen the democratic quality of referendums unless they tackle deeper problems in current political culture is, however, unclear.

# Parliament



## The Strathclyde review, the Lords and secondary legislation

The [Queen's speech](#) notably omitted any mention of legislation to implement the recommendations of the Strathclyde review into the House of Lords' powers over secondary legislation – containing only an [elliptical promise](#) to 'uphold the sovereignty of parliament and the primacy of the House of Commons'. This was unsurprising, given the remarkably negative response that the proposals had received from parliament – including no fewer than four highly critical committee reports. As reported in [Monitor 62](#), Strathclyde proposed three options: to remove the Lords' veto power, agree new conventions, or legislate to allow the Commons to override the Lords' veto. The first of these was judged 'entirely disproportionate' by the Commons [Public Administration and Constitutional Affairs Committee](#) (PACAC) and 'clearly unacceptable' by the Lords [Constitution Committee](#) – a response echoed by the Lords [Secondary Legislation Scrutiny Committee](#) (SLSC). The SLSC explicitly rejected all three options, while PACAC concluded that the government 'should not produce legislative proposals', which would be 'an overreaction' to 'legitimate exercise' of the Lords' power.

All three committees used their reports to shift the focus on to concerns about the government's overuse of delegated powers, an argument taken up particularly strongly by the Lords [Delegated Powers and Regulatory Reform Committee](#) (DPRRC). This report listed various 'skeleton bills' and use of Henry VIII powers, and accused the government of not following its own published guidelines. Henry VIII powers were also the focus of a [hard-hitting speech](#) by former Lord Chief Justice Lord Judge in April. The parliamentary committees offered clear support for a wholesale review of delegated powers, possibly by a joint parliamentary committee, while the DPRRC indicated its intention to begin calling ministers to give evidence on occasions where it considers delegated power inappropriate, with a possible delay to government bills. The Constitution Committee and PACAC expressed some support for a conventions-based settlement (Strathclyde's second

option), but only if bigger issues are settled. In line with [evidence to the committee](#) from the Constitution Unit's Meg Russell, PACAC suggested that this should be contingent on limits being placed on the size of the Lords and the Prime Minister's patronage powers. The government's response to October's tax credits defeat has hence caused quite a parliamentary backlash, raising bigger constitutional questions which are unlikely to go away.

## Personnel changes in the Lords

Baroness D'Souza ends her five-year term as Lord Speaker in the summer, and an [election is being held](#) for her replacement. Nominations closed on 19 May, and the result is due on 13 June. The candidates are Conservatives Lord Fowler and Lord Cormack, and Liberal Democrat Baroness Garden of Frognal. 19 May also saw announcement of the [first four peers](#) to lose their seats involuntarily under Section 2 of the House of Lords Reform Act 2014. This provides that those who fail to attend for a full parliamentary session, or to take leave of absence, must retire. In April Viscount Thurso was [chosen unanimously](#) by an electorate of just three to fill a vacancy as a Liberal Democrat hereditary peer. Thurso departed the chamber in 1999, and sat as an MP from 2001 until last year's general election.



Lord Fowler speaking at a Constitution Unit seminar on the future of the BBC, 19 October 2015

## Commons financial privilege on Lords amendments

In April, MPs debated amendments passed in the Lords to the Immigration Bill, a number of which had been designated as engaging the Commons' '[financial privilege](#)'. Where the Commons rejects such

an amendment, its longstanding practice is to cite its financial primacy as the formal ‘Reason’ communicated to the Lords, and by convention the Lords does not then insist on its amendment (although it may propose an alternative). In this case one amendment was a high-profile proposal relating to relocation and support for refugee children, resulting from a [government defeat](#) in the Lords led by Labour peer Lord Dubs.

Prior to the Commons debate, the Speaker [announced](#) that he had ‘felt a growing sense of disquiet’ over the convention that on such amendments the Commons Reason cites only financial privilege ‘without offering the underlying policy reason’, and that he had therefore invited the Procedure Committee to consider practice around Reasons. This was consistent with recommendations in the Constitution Unit’s 2014 report [Demystifying Financial Privilege](#), by Meg Russell and Daniel Gover (summarised [here](#)), which recommended that the Procedure Committee should consider the possibility of ‘dual reasons’ being provided in cases involving financial privilege. These possibilities were further explored in a [memorandum](#) from the Clerk of the House of Commons submitted to the committee in May.

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## English votes for English laws update

In [Monitor 62](#) (page 3), we reported that MPs had voted to implement procedures known as ‘English votes for English laws’ (EVEL), which give English (or English and Welsh) MPs a veto over certain legislation that applies only in England (or England and Wales). Since then, the Speaker has ‘certified’ provisions of seven bills under the new rules. The operation of EVEL is [currently being investigated](#) by the Commons Procedure Committee, which intends to publish its findings early in the 2016–17 session. A critical [report on EVEL](#) was published in February by PACAC (summarised [here](#)), and the [government responded](#) in April. The government has indicated that it will conduct its own review of EVEL later this year.

One particularly noteworthy episode (discussed [here](#)) concerned the government’s attempt to relax Sunday trading rules, which was the subject of a rare government defeat on the floor of the Commons on 9 March. Although the policy would have applied only in England and Wales, the votes of Scottish MPs proved decisive in this outcome.

EVEL did not apply because of how the government had drafted its proposal. But even had the drafting been different, EVEL would not have helped the government: under EVEL, certified legislation requires the support of *both* English (or English and Welsh) *and* UK-wide MPs in order to pass.

For details of Michael Kenny and Daniel Gover’s research project on EVEL see page 15.

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## Restoration and renewal of the Palace of Westminster

The [joint committee](#) co-chaired by the Leaders of the Commons and the Lords which is investigating options for the restoration and renewal of the Palace of Westminster has continued to meet and held two public oral evidence sessions in the spring. The [first](#) looked largely at public and press engagement. The [second](#) involved civil engineers and conservationists, with the overall feeling that a total decant with a delivery authority would present the most efficient option.

The committee has not sparked much public debate. However, the Sir Bernard Crick Centre for the Public Understanding of Politics at the University of Sheffield has launched a research and public engagement initiative titled [Designing for Democracy](#), promoting more ambitious public engagement. A [Hansard Society seminar](#) in April saw imaginative presentations from Nesta and the Royal Palaces on digital engagement and using heritage projects to reconnect with the public.

But is all this pie in the sky? There were [media briefings](#) in April that David Cameron thought the public would not tolerate a total decant, and would see MPs as benefiting from an expensive refurbishment. The Shadow Leader of the House, Chris Bryant, a member of the joint committee, responded that ‘the Government should butt out and wait for our report’. The decant option looks to be cheaper but all the expenditure comes in a relatively short period, whereas the cost of a 35-year renewal programme would be easier to hide.

The joint committee’s recommendations are expected to be published before the summer recess, but are unlikely to be debated before the autumn. Time therefore remains for more external interest to develop in a matter which affects British democracy profoundly.

# Executive




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## Public appointments review

The [review of public appointments](#) conducted by Sir Gerry Grimstone was published in March, just before Sir David Normington stepped down as Commissioner for Public Appointments and First Civil Service Commissioner. The government had already accepted an early recommendation that these two roles should no longer be combined. The Grimstone review emphasises that ministers are at the heart of public appointments, and that ultimately choice, responsibility and accountability must rest with them. It recommended a speedier appointments process, with greater freedom for ministers to appoint whom they wanted, and a loosening of regulatory control.

This led to a strong riposte from Sir David Normington in his last days in office. In an [article in \*The Independent\*](#) he challenged the plans to weaken the role of the Commissioner, and concluded:

‘Taken together, Grimstone’s proposals would enable ministers to set their own rules; override those rules whenever they want; appoint their own selection panels; get preferential treatment for favoured candidates; ignore the panel’s advice if they don’t like it; and appoint someone considered by the panel as not up to the job. The main check on these powers is transparency, but transparency has its limits when there is no-one with the power to intervene if the rules are broken.’

Minister for the Cabinet Office Matt Hancock has [welcomed](#) the Grimstone report, saying that the government will work with the new Commissioner for Public Appointments to put the new processes in place, including a revised Order in Council and new governance code. The new Commissioner is Peter Riddell, who leaves his current position as Director of the Institute for Government in June. Complaining that they had not had sufficient time to properly scrutinise the Grimstone report, the House of Commons Public Administration and Constitutional Affairs Committee (PACAC) held two hearings with Peter Riddell. They [endorsed his appointment](#), but warned that they would monitor

closely how he works with ministers to implement the Grimstone recommendations. Should the powers of the Commissioner be weakened, the role of select committees in holding pre-appointment scrutiny hearings will become all the more important.

The new First Civil Service Commissioner has not yet been announced – in the interim the role is being performed by Kathryn Bishop, a civil service commissioner since 2012.

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## Freedom of information

The [Independent Commission on Freedom of Information](#), chaired by Lord Burns, delivered its report on 1 March. [As discussed on our blog](#), the Commission [concluded](#) that the Act was ‘generally working well’, and there was ‘no evidence that the Act needs to be radically altered’. This was not the expectation when the Commission was established last summer, with a membership of Lord Burns, Lord Carlile, Dame Patricia Hodgson, Lord Howard, and Jack Straw.

The review was triggered by concerns over the working of the government’s section 53 veto following the Supreme Court decision in the Evans (a.k.a. Prince Charles’ ‘black spider memos’) case, which [raised a whole variety of deep constitutional issues](#). Its terms of reference included considering whether there was a need for sensitive information to have robust protection, whether the Act adequately recognised the need for a ‘safe space’ for policy development, and whether change was needed to moderate the burden on public authorities. This suggested a report likely to restrict FOI in various ways, which is not what materialised.

The Commission came down against introducing up-front fees. It recommended tighter deadlines for public authorities to respond to complex requests and to conduct internal reviews, some strengthening and rationalisation of the exemptions for policy formulation, and legislation to clarify that the executive does have a final veto over the release of information. This was minor tweaking, rather than radical change. The government agreed with the Commission but also decided not to legislate and, surprisingly, to leave the veto alone. This may have been due to the sheer strength of the opposition and the government’s narrow Commons majority.

The government has also now committed to publishing more salaries of senior officials, as well as detailed statistics on how FOI is working, in the third [Open Government National Action Plan](#). This comes alongside the recent controversial (and possibly tricky) proposal to [publish details](#) of the salaries of senior BBC stars earning over £450k – though those supporting such change should beware, as [evidence shows](#) that salary publication can lead to upwards pressure and pay rises rather than cuts.

## Elections and Political Parties



### Party funding: reform by stealth and compromise

Following the 2015 election two measures were introduced with the potential to affect the funding of at least some parties. In July 2015 a [Trade Union Bill](#) was presented, which included a clause requiring trade unions with a political fund to operate a ‘contracting-in’ system rather than a ‘contracting-out’ system. This had been a Conservative Party manifesto commitment, but went to the heart of the Labour Party’s relationship with the trade unions.

The government’s majority meant that this aspect of the bill originally passed through the Commons relatively unscathed. However, it experienced trouble in the Lords on its second reading in January 2016. As a result, the Lords established a [select committee on Trade Union Political Funds and Political Party Funding](#) to examine the relevant clauses. Its report concluded that the re-introduction of ‘contracting-in’ could have a ‘sizeable negative effect’ on the number of union members participating in political funds and therefore on the income of the Labour Party. On 16 March, the government suffered a heavy [Lords defeat](#) on restricting ‘contracting-in’ to new union members. Ministers reluctantly accepted this, and the Act received royal assent on 4 May.

The second reform relates to [Short money](#) for opposition parties taking their seats in the House of Commons. In the 2015 autumn statement, the Chancellor [proposed reducing Short money allocations](#) by 19 per cent and

freezing them for the remainder of this parliament. Following [questions in the House](#) from Labour and DUP members, Leader of the House Chris Grayling announced that there would be discussions with affected parties, and in March presented a [written statement](#) to the Commons, detailing a much lower reduction of around five per cent in real terms. This compromise has been accepted. The cuts will now affect the finances of all opposition parties in the Commons as they now also apply to the Representative money scheme, which covers parties that do not take up their seats. No mention, however, was made of Cranborne money – used to support the work of opposition parties in the House of Lords.

As discussed further on our blog (see [here](#)), these two measures are united in the fact that their impact, though now less far-reaching than originally proposed, is asymmetric. Measures on ‘contracting-in’ only affect Labour’s finances, while changes to Short and Representative money likewise affect only opposition parties. The most significant impact of these reforms may thus be longer-term: a future Labour or Labour-led government may exact some form of ‘revenge’, either through excessively partisan measures or through a root and branch reform of party finance regardless of any opposition from the Conservative Party. This will leave the vexed question of party finance reform open for a lot longer, with reduced prospects for consensus as a result.

### Electoral boundary review

The [process of reviewing Westminster parliamentary constituency boundaries](#) began in February. In line with [legislation](#) passed in 2011, the review will propose 600 constituencies – down from the current 650. The general rule is that constituencies must have electorates within five per cent of the UK average, though there are exceptions for the Scottish islands and the Isle of Wight, and Northern Ireland and the Scottish Highlands can have extra leeway.

The review is based on the electoral registers as on 1 December 2015. Given the distribution of eligible electors (and applying the Sainte-Laguë allocation method), 501 constituencies will be drawn up in England (down from 533 at present), 53 in Scotland (from 59), 29 in Wales (from 40), and 17 in Northern Ireland (from 18). Regional breakdowns for England are available [here](#).

The review is conducted by four separate boundary commissions – one for each nation. They plan to publish their initial proposals in September 2016. Further consultations will then ensue before submission of final proposals in 2018. There is no guarantee that parliament will accept those proposals: it refused to implement the last review, in 2013.



As this issue of *Monitor* went to press the House of Lords Constitution Committee published a [major report](#) on the Union and devolution. Drawing on evidence from 66 witnesses, including the Constitution Unit's Robert Hazell, the committee recommends that any future proposals for further devolution 'should be considered within an appropriate framework of constitutional principles that safeguard the integrity of the Union'. The report is summarised on our blog [here](#).

## Scotland: quiet election campaign, interesting results

The big lesson from May's Scottish Parliament election is that, 18 months after the referendum, independence remains the major fissure in Scottish society. The SNP have converted referendum Yes voters into SNP supporters for both Westminster and Holyrood. But they were narrowly denied an overall majority in the Scottish Parliament, mainly because the Conservatives staged a major revival and persuaded No voters in some constituencies to vote for the Union, rather than on party lines. Labour, by contrast, sought to move debate on to how Holyrood's wide new powers should be exercised. Proposing modest tax rises, and presenting themselves as the real anti-austerity party, they tested to destruction the notion that Scotland is a left-leaning, communitarian place willing to tolerate more progressive taxation for better public services. Scots rejected that proposition, leaving Labour third in the contest.

In the meantime, of course, those wider powers are available. After some brinkmanship the [agreement of a fiscal framework](#) for the new tax and welfare powers brought the [Scotland Act 2016](#) safely to enactment. From 2017 virtually all income tax will be devolved.

However, in the short term it will be hard to distinguish Holyrood's tax policies from George Osborne's. SNP policy involves no 50p tax rate, no increased basic or higher rates – just a marginally lower threshold at which 40p becomes payable.

Party	Constituency vote share (%)	List vote share (%)	Seats
SNP	46.5 (+1.1)	41.7 (-2.3)	63 (-6)
Conservative	22.0 (+8.1)	22.9 (+10.6)	31 (+16)
Labour	22.6 (-9.2)	19.1(-7.2)	24 (-13)
Green	0.6 (n/a)	6.6 (+2.2)	6 (+4)
Lib Dem	7.8 (-0.1)	5.2 (-)	5 (-)

Scottish Parliament election result, 5 May 2016 (changes from 2011 shown in brackets). Source: [BBC News](#)

The big issue in the fiscal framework negotiations was allocating the risk to the Scottish budget from relative population decline. Under the Barnett formula, this tends to push up relative spending (counteracting what would otherwise be a tendency to drive spending down to the same per capita level across the UK). But for devolved taxes, the number of taxpayers matter. The Scottish government demanded protection, so that if the Scottish population declines, the grant will be increased to make up the shortfall, and the Treasury ultimately agreed. The UK government concluded, probably rightly, that the increased accountability benefits are worth the price – English taxpayers being no worse off than under Barnett.

Despite the unadventurous approach of Scottish parties and voters this time round, the new powers will change Holyrood's dynamic: it will have to focus on where the money is coming from, not just where it is going. Hence Nicola Sturgeon's sensible decision to [split the economic and finance functions](#) in her new government.

Meanwhile, however, all domestic politics is seen through the independence prism. Most immediately, interest in the European referendum has focused on implications for 'indyref2'. Some have even described this as the '[Ulsterisation](#)' of Scottish politics; but differences between Scotland and Northern Ireland far outweigh the similarities. For now at least we must to learn to live with a polity defined by constitutional difference. The election shows that, as in Belfast, the political parties have a strong incentive to reinforce the fissure.

## Wales: hung Assembly precipitates controversy over appointment of First Minister

The 2016 National Assembly for Wales election saw the Labour Party returned as the largest party once again, winning 29 of the 60 available seats – a net loss of only one since 2011, despite their constituency vote share falling almost eight per cent. The other major story was the election of seven UKIP AMs, the first time the party has gained representation in the Assembly.

Plaid Cymru returned 12 AMs and replaced the Conservatives as the official opposition in the Assembly, a position the party previously held from 1999 to 2007. Plaid's result included an impressive personal victory for leader Leanne Wood, who won the usually safe Labour constituency of Rhondda. However, this was the party's only gain. The Conservatives had a disappointing election, failing to build on 2015 general election gains in Wales and returning only 11 AMs, a net loss of three seats.

Party	Constituency vote share (%)	List vote share (%)	Seats
Labour	34.7 (-7.6)	31.5 (-5.4)	29 (-1)
Plaid Cymru	20.5 (+1.2)	20.8 (+2.9)	12 (+1)
Conservative	21.1 (-3.9)	18.8 (-3.7)	11 (-3)
UKIP	12.5 (n/a)	13.0 (+8.4)	7 (+7)
Lib Dem	7.7 (-2.9)	6.5 (-1.5)	1 (-4)

National Assembly for Wales election result, 5 May 2016 (changes from 2011 shown in brackets). Source: [BBC News](#)

Less than one week after the election, Labour's failure to achieve a majority set the scene for one of the most dramatic days in the Assembly's short history. Both Labour and Plaid Cymru nominated their leaders, Carwyn Jones and Leanne Wood respectively, as First Minister. The result was a [tied vote](#), with Labour and the sole Liberal Democrat Kirsty Williams voting for Jones, and Plaid Cymru, UKIP and the Conservatives voting for Wood. The heated deadlock that ensued suggested that the tone of this Assembly will be more confrontational than those before it.

The subsequent result was an agreement between Labour and Plaid Cymru that allowed Carwyn Jones to resume First Ministerial duties, Wood's candidacy having been withdrawn, on 18 May. The agreement – '[The Compact to Move Wales Forward](#)' – will have potentially long-lasting consequences. A series of policy commitments were announced, including the establishment of three liaison committees, focusing on legislation, finance and the constitution. These will each comprise a Labour minister and a Plaid Cymru representative and be staffed by the civil service. In a further nod to the need to work with other parties Kirsty Williams [was appointed as Education Secretary](#) in the new cabinet.

The constitution will have particular significance during the early stages of this Assembly, after the [Queen's speech](#) confirmed the UK government's plans to pass an updated Wales Bill. Plans to implement the draft Wales Bill published last year were [put on hold by Stephen Crabb](#), then Secretary of State for Wales, in February after widespread criticism of the bill, outlined in [Monitor 62](#) (pages 8–9). In March 2016 the Welsh government released its own [alternative bill](#), calling for powers beyond those proposed by London, including the devolution of policing and crime, as recommended by the Silk Commission, the creation of a Welsh legal jurisdiction, and the devolution of air passenger duty and (subject to a two-thirds Assembly majority) income tax. Whether the UK government's revised bill will meet these demands is yet to be seen.



Carwyn Jones. Credit: [National Assembly For Wales / Cynulliad Cymru](#)



## Northern Ireland: opposition formed at Stormont

The Assembly election on 5 May ostensibly changed little. The DUP, UUP and Alliance neither gained nor lost seats. For the DUP this exceeded expectations, and was a triumph for its new leader Arlene Foster; the other two had hoped for better. Among nationalists the SDLP lost two seats, and Sinn Féin one. But in fact all the main parties lost vote share. The most dramatic development was the return of two anti-austerity MLAs in nationalist heartlands in Belfast and Londonderry. This makes the binary divide between unionists and nationalists marginally less stark. But profound public dissatisfaction with the troubled working of devolved government, registered in polling, did not greatly affect voting patterns.

Party	First preference vote share (%)	Seats
DUP	29.2 (-0.8)	38 (-)
Sinn Féin	24.0 (-2.9)	28 (-1)
UUP	12.6 (-0.6)	16 (-)
SDLP	12.0 (-2.2)	12 (-2)
Alliance	7.0 (-0.7)	8 (-)
Green	2.7 (+1.8)	2 (+1)
PBPA	2.0 (+1.2)	2 (+2)
TUV	3.4 (+1.0)	1 (-)
Independents	3.3 (+0.9)	1 (-)

Northern Ireland Assembly election result, 5 May 2016 (changes from 2011 shown in brackets). Source: [BBC News](#)

The d'Hondt system by which the Executive is constituted offered the UUP and SDLP one ministerial post each. But both chose instead to [go into opposition](#) – the first time such a grouping has existed in the Northern Ireland Assembly, following new speaking, nomination and financing rights [conferred earlier this year](#). The Alliance party was widely seen as the only source of a Justice Minister, who, because of the sensitivities, is elected by the Assembly with cross-community support. But the First Minister, Arlene Foster, and deputy First Minister, Martin McGuinness, found Alliance's [conditions](#) unacceptable. Instead they [chose](#)

[an independent unionist](#), Claire Sugden, an MLA for only two years. Alliance thus also retreat to the backbenches. Sugden apart, [the Executive](#) is exclusively a DUP/Sinn Féin affair. There are new faces, the average age of ministers is around 40 and it is about 40 per cent female. This is serious change.

It is unclear if the new opposition will be constructive, effectively challenging the Executive's failings, or destructive, making necessary compromises between the governing parties harder. If the former, the UUP and the SDLP will need to work together – but it is hard in the present context to see them coalescing sufficiently to offer effective alternative government. Alliance may struggle for visibility.

Will devolved government run more smoothly? Perhaps: the sectarian extremes got nowhere, Arlene Foster is much strengthened, there are elaborate DUP/SF commitments to working together, there is a three-year election holiday, the new [Programme for Government](#) will supposedly focus efforts. But there remain weaknesses in the underpinnings of government. Brexit [could bring new strains](#). Issues around the past, and parading, are not resolved and may create new tensions. And upsets could again be caused by public finances, where new pressures loom, and the Executive is committed to costly reductions in corporation tax.

## English devolution

The government's devolution deals programme has continued to move on during the last three months. The 2016 Budget saw [three devolution deals announced](#) with new areas of Greater Lincolnshire, East Anglia, and 'West of England' (Bristol and the surrounding area). They resemble the deals previously agreed for areas such as the West Midlands, Sheffield, and the North East, and will feature directly elected mayors covering large rural areas. Elections for nine mayors are now expected in May 2017. Further deals were also announced for [Greater Manchester](#) and the [Liverpool City Region](#), both including forays into matters of public service reform.

However, obstacles to the implementation of some of these agreements have emerged. Shortly following the East Anglia deal, Cambridgeshire County Council [voted against proceeding](#) and is now seeking a separate bid alongside Peterborough. [Boundary issues have also flared up in the 'North Midlands'](#), with three

districts pulling out and two others (Bassetlaw and Chesterfield) seeking to join the Sheffield city region instead. Chesterfield's decision initially provoked a [threat of judicial review](#) from Derbyshire, which has since been rescinded. And three participating councils have [postponed consideration of the North East devolution deal](#), with a fourth (Gateshead) [announcing it has pulled out](#). A number of MPs were critical of the East Anglia deal in a [Westminster Hall debate](#) on 27 April, focusing on the boundaries and the presence of an elected mayor.

The [integration of health and social care in Greater Manchester](#) (running in parallel to the main devolution deals) went live on 1 April 2016, with several priority strands, including public health, partnership with academia, a mental health strategy, and better integration with education, skills and housing. The order to create a directly elected mayor in Greater Manchester has also [become the first of many to pass through parliament](#).



## British bill of rights

May's [Queen's speech](#) indicated that proposals for a British bill of rights would be brought forward. If this sounds familiar it is because an [almost identically worded pledge](#) was made in the 2015 Queen's speech but never fulfilled. A British bill of rights has in fact been Conservative Party policy since before the 2010 general election. However, entering coalition with the Liberal Democrats initially prevented progress; even after May 2015 the publication of detailed proposals has continued to be repeatedly delayed. Now details are [not anticipated until after the EU referendum](#).

If the Conservatives are finally to deliver on their commitment, significant political and constitutional obstacles will need to be overcome. Politically, producing proposals that satisfy all wings of the Conservative Party is likely to prove extremely challenging. Michael Gove, who has policy responsibility as Justice Secretary, has indicated that he believes the UK [should remain a member of the European Convention on Human Rights](#)

(ECHR). But some Conservative MPs, [including the Home Secretary](#), prefer proposals that involve withdrawal from the ECHR. Others are sceptical about any change to existing human rights law – a position [re-stated by Sir Edward Garnier](#), the former Solicitor General, on the first day of the Queen's speech debate.

The constitutional obstacles were laid out in a [major report](#) published by the House of Lords EU Justice Sub-Committee in early May, focusing on the impact of a British bill of rights on the UK's EU membership, international standing and devolved nations. The report concluded that there are 'serious questions over the feasibility and value of a British Bill of Rights of the sort described by the Secretary of State', and that the committee's evidence made a 'forceful case for the Government to think again before continuing with this policy'. The opposition of the devolved governments and assemblies is likely to be particularly problematic – the report emphasises that they are unlikely to consent to a bill of rights that repeals the Human Rights Act, and that were the government to proceed without consent it would be 'entering into uncharted constitutional territory'.

## Judicial appointments

The Ministry of Justice announced in April that [three candidates have been nominated](#) to be the next UK judge of the European Court of Human Rights (ECtHR), in succession to the current UK judge, Paul Mahoney, who retires in September. The selection process – discussed in [Monitor 62](#) (page 10) – provides an interesting contrast with judicial appointments in the UK, in which a single name is submitted to the Lord Chancellor. In this case the selection panel were asked to submit up to ten names. The Lord Chancellor shortlisted Tim Eicke QC, Murray Hunt (Legal Adviser to the Joint Committee on Human Rights) and Jessica Simor QC, and their names will now go forward to the Parliamentary Assembly of the Council of Europe. The successful candidate will be elected by the Parliamentary Assembly during its plenary session in June 2016, to serve a nine-year term.

Christopher Stephens has retired after serving five years as chairman of the Judicial Appointments Commission for England and Wales. After failing to find a suitable successor the Ministry of Justice readvertised in April, and hope to have a new chair in post in August or September.

# Europe




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## Renegotiation of the terms of membership

The [agreement](#) between Prime Minister Cameron and his fellow European heads of state or government on 19 February 2016 has not played much of a role during the referendum campaign – the initial controversy about the agreement’s [legal force](#) notwithstanding. Yet, achieving a modestly new settlement for Britain in Europe allowed the Prime Minister to deliver on his [Bloomberg speech promise](#) to renegotiate the UK’s terms of membership and, most importantly for the campaign, to advocate a vote to Remain.

Beyond confirming the UK’s existing opt-outs, key points include a set of principles that create [‘a concrete reference point for the UK to protect itself from Eurozone caucusing in the future’](#); commitments to ‘fully implement and strengthen the internal market’, to free trade, and to better regulation in view of subsidiarity and burden reduction; the explicit recognition that ‘references to ever closer union do not apply to the United Kingdom’, as well as the introduction of a [new ‘red card’](#), allowing 55 per cent of the EU’s national parliaments to object to draft legislation within a 12-week period where the principles of proportionality and subsidiarity are violated; and a pledge to initiate new and more restrictive legislation on migrants’ access to welfare.

Overall, the agreement may be most relevant where it goes beyond UK–EU relations: in the self-assertion of the political and intergovernmental European Council vis-à-vis the EU’s court (its ‘clarification will have to be taken into consideration as being an instrument for the interpretation of the Treaties’); in the explicit recognition of ‘different paths of integration for different Member States’; in the prospect of supranational law-making playing out in the shadow of the agreement’s high politics; and, most fundamentally, in the risk of ‘contagion’ to other member states, who may, themselves, strive to secure a special status.

Yet, the agreement will only enter into force should the UK vote Remain on 23 June; in the event of Brexit, the UK’s current status will be unchanged until its [withdrawal negotiations](#) – expected to last a minimum of two years – are concluded.

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## EU referendum franchise

As reported in [Monitor 62](#) (page 11), the franchise for the EU referendum has been hotly contested. One aspect is the rule (carried over from general elections) that bars UK citizens who have been living abroad for more than 15 years from voting. On 20 May, the Court of Appeal said this rule is [not unlawful](#); on 24 May, the Supreme Court [refused permission](#) to appeal that decision. The claimants had argued that the limit violated the right to freedom of movement under EU law. The courts determined that EU law does not apply and that, even if it did, there is no violation of free movement.

Nevertheless, the government [remains committed](#) to introducing ‘votes for life’ by eliminating the 15-year rule for future elections and referendums.

For other aspects of the EU referendum process, see pages 1-2 of this *Monitor*.

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## Referendum in the Netherlands

The Netherlands held a referendum on 6 April on whether to accept the EU’s new association agreement with Ukraine. On a 32.3 per cent turnout, 61.0 per cent of voters [opposed the deal](#). The vote was interesting for two principal reasons.

First, it was the first national citizen-initiated referendum in Dutch history. Legislation allowing such referendums on new laws [was passed in summer 2015](#). Those seeking such a vote must pass two hurdles. They have four weeks following the passage of a law to gather 10,000 signatures for an initial request, then a further six weeks to gather another 300,000 signatures – currently 2.3 per cent of the eligible electorate. The referendum result is non-binding. If the vote goes against the law and turnout is above 30 per cent, however, implementation of the Act is suspended until parliament has either confirmed it or repealed it.

Second, the vote was framed primarily as an [expression of sentiment towards the EU](#) and therefore attracted attention from Brexit advocates. Indeed, UKIP leader Nigel Farage [supported the campaign](#) and [welcomed the result](#). But the Dutch political scientist Kristof Jacobs [has argued](#) that the result did not suggest rising Euroscepticism in the Netherlands: turnout was half that in the 2005 referendum when Dutch voters rejected the proposed European Constitution by a similar margin, and many pro-EU voters abstained in the hope of pushing turnout below the 30 per cent validity threshold.

## International



### Ireland: minority government takes office

The Irish election on 26 February, analysed [here](#), led to a hung Dáil. Fine Gael (FG), which led the last government, declined seriously, though it narrowly remains the largest party; its partner Labour did worse. Fianna Fáil (FF) made a strong comeback; Sinn Féin grew markedly, though less than it had hoped. A large contingent of independents was returned.

FF declined an offer to join a coalition with FG. The prospect of a further election, however, appealed to no-one, and FF eventually approved a '[Confidence and Supply Arrangement](#) for a Fine Gael-led Government': for three years it undertook to facilitate budgets and at most abstain in votes of confidence, in return for commitment to agreed policy principles. But it expressly remained in opposition, not party to the FG [Programme for Government](#). Indeed, FF agreed only to abstain in the election of a Taoiseach, meaning FG needed support from a number of independents, eventually obtained at the price of further policy commitments and ministerial posts. Enda Kenny, who remained caretaker Taoiseach following the election, regained full office in a Dáil vote on 6 May.

Whether sufficient discipline will be maintained to sustain the government for three years is widely doubted. But there is a functioning administration, and Ireland's credit rating continued to improve notwithstanding extra spending commitments. Brexit is a prominent issue, which continues to exercise the Irish political system gravely, as respects both Northern Ireland and the wider relationship.

### Canada: new Senate appointments process and committee on electoral reform

As reported in [Monitor 62](#) (pages 12–13), Prime Minister Justin Trudeau has changed the system for appointing members to the Senate, with a new [Advisory Board for Senate Appointments](#) to formally recommend names for appointment (which, as in the UK, effectively lies in

the Prime Minister's hands). In April five vacancies were filled following the Board's first recommendations. There are 17 outstanding vacancies to fill, and in the second phase the Board will operate an open self-nomination process. Trudeau has announced his intention that all future appointees to the Senate will be 'independent and non-partisan' – a major change from previous practice, which is now reflected in the Advisory Board's criteria. A [Special Committee on Senate Modernization](#) has been established to consider other options for change within the existing constitutional framework, and is also discussing the likely impact of the new appointments process.

On 11 May the government further [announced](#) that a special committee of the House of Commons will consider options for reforming that chamber's first past the post electoral system. Such change was [pledged by the Liberals](#) at the October 2015 general election, with Trudeau known to personally favour the alternative vote system. The prospects for success have been [discussed](#) on the Constitution Unit blog.

### Australia: Senate electoral reform passed ahead of double dissolution

In March the Australian Senate passed [legislation](#) that represents the most significant change to the Senate's electoral system since 1984. The previous system allowed voters to vote either 'above the line' for a party (or group of independents), or 'below the line' for individual candidates. In practice almost all voters (96.5 per cent in 2013) voted above the line, since below-the-line voting required all candidates to be ranked in complete sequential order (there were 110 candidates in 2013 in New South Wales). Voting above the line resulted in the party's 'group voting ticket' determining the voter's full preference flow, in a way that was far from transparent, and resulted in backroom deals and some perverse results. For example, in 2013, an Australian Motoring Enthusiasts Party candidate was elected on 0.51 per cent of first preferences in Victoria, and a Sports Party candidate won on 0.23 per cent in Western Australia. The new system abolishes group voting tickets, allows voters to exercise some control over above-the-line preferences by ranking multiple parties, and requires a below-the-line voter to mark only twelve boxes. There are [more details](#) on the Constitution Unit blog.

The change was passed just in time for a rare ‘double dissolution’, [requested by Prime Minister Malcolm Turnbull](#) after the Senate repeatedly refused to pass government bills. Simultaneous elections to the House of Representatives and all Senate seats will be held on 2 July. Because double the usual number of seats are available, such Senate elections tend to favour more proportional outcomes, though there are clear counter-pressures under the new system to reduce small party representation

## Italy: referendum on constitutional reform

[Monitor 62](#) (page 12) reported on Senate reform in Italy. The bill has passed all its parliamentary stages, and a referendum will now take place in October. The [wide-ranging changes](#) would not only substantially reduce the Senate’s powers and alter its membership, but also reduce the powers of the Italian regions (whose representatives would make up most members of the new second chamber). Prime Minister Matteo Renzi launched the ‘yes’ campaign on 3 May, and has raised the stakes by [indicating that he will resign if the reform is defeated](#) – making a politically charged campaign inevitable.

## New Zealand flag referendum

New Zealand held a postal referendum in March on whether to keep its current flag or switch to an alternative design featuring the silver fern symbol. Despite the support of Prime Minister John Key the alternative was defeated by 56.7 per cent to 43.3 per cent. [More details](#) on the Constitution Unit blog.



The defeated black, white and blue silver fern flag. Image credit (c) Nigel S. Roberts.

## People on the move

**Alun Cairns** was promoted to Secretary of State for Wales in March with **Guto Bebb** succeeding him as Parliamentary Under-Secretary at the Wales Office. Previous Secretary of State **Stephen Crabb** became Secretary of State for Work and Pension following Iain Duncan Smith’s resignation.

Following the devolved elections **Ken Macintosh** was elected Presiding Officer of the Scottish Parliament, **Elin Jones** to the equivalent post in the Welsh Assembly and **Robin Newton** as Speaker of the Northern Ireland Assembly. Their predecessors – respectively **Tricia Marwick**, **Dame Rosemary Butler** and **Mitchel McLaughlin** – all retired at the elections.

In the new Scottish government **Derek Mackay** succeeded **John Swinney** as the Cabinet Secretary with responsibility for the constitution.

**Katy Budge** has left the Cabinet Office, and is replaced as Head of Constitutional Policy by **Fern Leathers**.

**Lucy Scott-Moncrieff** has been appointed as House of Lords Commissioner for Standards, taking over from **Paul Kernaghan**.

**Christopher Graham** has been succeeded as Information Commissioner by **Elizabeth Denham**, previously the Information Commissioner for British Columbia.

**Sir Terence Etherton** has been appointed as Master of the Rolls, succeeding **Lord Dyson**. He will take up the position in October.

**Peter Riddell** has stepped down as Director of the Institute for Government to take up the role of Commissioner for Public Appointments. His successor at the IfG is **Bronwen Maddox**, formerly editor of *Prospect* magazine.

In *Monitor 62* we mistakenly said that **Bob Twigger** had stood down as Serjeant-at-Arms. He was in fact filling the position only on an interim basis after **Lawrence Ward** resigned to take up a private sector post last September. **Kamal El-Hajji** is Ward’s permanent replacement.

# Constitution Unit News

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## Seminars and briefing papers on the constitutional consequences of Brexit

The Constitution Unit, in collaboration with UCL's [European Institute](#) and [Department of Political Science](#), and funded by the [UK in a Changing Europe](#) programme, is running a special series of seminars on the constitutional consequences of a vote to leave the European Union. Four themed seminars on the consequences of Brexit for Westminster and Whitehall, the EU's political system, devolution and the union, and other EU member states have been held. [Video highlights](#) have been published online, alongside [briefing papers](#) that correspond to each theme. On 16 June a final debate will feature high-profile speakers from the Remain and Leave camps and an expert academic panel. Further details are at the end of this *Monitor* and [at this link](#).

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## Democracy Matters: report on pilot citizens' assemblies

The [final report](#) of the [Democracy Matters project](#) was published in April. This project held two pilot citizens' assemblies in Sheffield and Southampton last autumn, which deliberated on options for local devolution. As the report explores in depth, these pilots revealed a high capacity for public deliberation, even on such complex and contested issues. While highlighting challenges in the recruitment of a representative sample of the population, the project gave significant weight to the argument that citizens' assemblies could strengthen the operation of the democratic system.

The report was welcomed at a [launch event](#) in parliament by a cross-party panel of speakers including Dominic Grieve (Conservative), Graham Allen (Labour), Lords Purvis and Tyler (both Liberal Democrats), Caroline Lucas (Green), Suzanne Evans (UKIP), Tommy Sheppard (SNP), and Jonathan Edwards (Plaid Cymru). The project was led by Professor Matthew Flinders (University of Sheffield) and funded by the Economic and Social Research Council. The Unit's Alan Renwick was co-investigator and Academic Director of the Sheffield assembly.

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## Parliamentary speaking engagements by Meg Russell

Constitution Unit Director Meg Russell has recently made several appearances at overseas parliaments speaking about parliamentary processes and reform. As well as giving oral evidence in the UK to the Commons [Public Administration and Constitutional Affairs Committee](#) in January, and the Lords [Secondary Legislation Scrutiny Committee](#) in February, both on the Strathclyde review (see page 3), she has appeared before committees in the Canadian and Italian parliaments. On 12 April she gave evidence to a [special committee of the Canadian Senate](#) considering options for Senate reform following Justin Trudeau's announcement of a new appointments process (see page 12). On 4 May she appeared before a [committee of the Italian Chamber of Deputies](#) on mechanisms for strengthening executive accountability to the lower house, drawing on experiences from the House of Commons. The bigger context was possible Italian Senate reform (see page 13). In March and early April Meg also gave several invited talks in Japan, including to staff in the parliamentary library on bicameralism and the dynamics of parliamentary reform.

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## Staff news

The Unit welcomed Oliver Patel as a Research Assistant in April to work on the seminars and briefing papers on the constitutional consequences of Brexit. Oliver holds a BA in Politics and Eastern European Studies from UCL and an MSc in Philosophy and Public Policy from the LSE.

On 1 June our super-efficient Administrator, Ben Webb, went on secondment to UCL's Human Resources department for ten months. We are tremendously grateful for everything he has done for the Unit over the past four years, and hope to welcome him back in due course! Bernadette Ross has joined the Unit in his place and we look forward to working with her.

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## Research volunteers

The Unit is grateful for the hard work and diligence of our research volunteers in winter and spring 2016: Lis Cunha, Josie Fathers, Artur Foguet Gonzalez, Turan Hursit, Qalid Mohamed, Laëtitia Nakache, Scott Partridge, Melita Raulinaityte, Adem Ruggiero-Cakir, Johnny Runge and John-Paul Saleh.

## News from Constitution Unit Fellows

### English votes for English laws project

Michael Kenny (Professor of Politics at Queen Mary University of London and Director of the [Mile End Institute](#)) has been awarded a British Academy/Leverhulme Small Research Grant to analyse how the new system of 'English votes for English laws' is affecting the legislative process. The research is conducted with Daniel Gover. This new award follows on from funding received from the Centre on Constitutional Change (supported by the Economic and Social Research Council) which has enabled Michael and Daniel to conduct interviews with the architects of EVEL, those tasked with interpreting its rules in parliament, and politicians and advisers involved in its development under the previous coalition administration, as well as the current Conservative one.

Michael and Daniel aim to publish a detailed report on EVEL in early autumn, which will consider whether the current system could be rendered more transparent, accessible and politically consensual. They have reported interim findings in [evidence](#) to the House of Commons Procedure Committee, which is currently reviewing EVEL, and [elsewhere](#), and have delivered papers analysing constitutional and political aspects of EVEL at the annual meeting of the Political Studies Association and the Institut d'Estudis de l'Autogovern in Barcelona. The new award will enable them to extend their analysis to more bills in the current session, to consider the wider constitutional ramifications of this major reform for the practices and conventions of the Commons, and to reflect more fully on whether it fits or clashes with other changes to the UK's territorial constitution.

### Automated administrative decision-making and its constitutional consequences

Andrew Le Sueur (Professor of Constitutional Justice at the University of Essex) is currently working on automated administrative decision-making and its constitutional implications. In a first foray into a neglected subject ('Robot Government: automated decision-making and its implications for Parliament', in Horne and Le Sueur (eds), [Parliament: Legislation and Accountability](#), Hart, May 2016), he poses several questions about the fit between computer determinations and orthodox constitutional concepts. Do they enhance compliance with the rule of law? Will increased automation lead to a shift from administrative discretion and judgement to rule-bound decision-making? What is the legal basis for automated decision-making – noting that section 2 of the Social Security Act 1998 on 'Use of computers' was the first (and remains one of the few) statutory provisions to recognise the role of automation? When a statute confers executive power on 'the Secretary of State' and a decision is made by a computer, rather than a human official covered by the *Carltona* principle that the acts of officials are synonymous with the actions of the minister in charge of the department, is there a risk that this is unlawful delegation of power? Should citizens have the right to opt out of a public body's automated decision-making system (as they do in relation to private sector decisions such as insurance underwriting and mortgage applications under section 12 of the Data Protection Act 1998)? Should there be no-go areas for automation? It might be thought, for instance, that decisions that impinge on the most fundamental of rights, such as liberty of the person, should always be made by human officials. A different approach would be to focus on the dividing lines between what is appropriately rule-based and what requires professional human judgement. The chapter ends with a call for a parliamentary select committee to conduct a thematic inquiry into the rise of automation.

Andrew is continuing to develop a research agenda on automation and welcomes contact with others interested in the topic: [alesueur@essex.ac.uk](mailto:alesueur@essex.ac.uk).

# Bulletin Board

## Events

To sign up to our events, visit the Constitution Unit [events page](#). Seminars are free and open to all.

### The UCL EU Referendum Debate: To Remain or to Leave?

**Remain:** **Laura Sandys**, Chair of the European Movement and former Conservative MP for South Thanet and **Chuka Umunna**, former Shadow Business Secretary and Labour MP for Streatham

**Leave:** **Jacob Rees-Mogg**, Conservative MP for North East Somerset and **Peter Whittle**, UKIP member of the London Assembly

**Expert commentators:** **Swati Dhingra**, Lecturer in Economics, LSE, **Anand Menon**, Professor of European Politics and Foreign Affairs, King's College London, and Director of UK in a Changing Europe and **Simon Usherwood**, Senior Lecturer in Politics, University of Surrey

**16 June 2016, 6pm:** Logan Hall, UCL Institute of Education, 20 Bedford Way, London, WC1H 0AL [Register](#)

Watch our previous events online on our [Vimeo page](#).

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## Unit in the news

Alan Renwick was interviewed about the idea of a second EU referendum after a Leave vote, as floated by Boris Johnson (BBC R4 [The World at One](#) and BBC News Channel, 22 February 2016)

Alan Renwick wrote about the process of leaving the EU in the event of a Brexit vote ([Daily Telegraph](#), 23 February 2016)

Alan Renwick was quoted on how a second EU referendum is 'not a runner' ([The Times](#), 23 February 2016).

Robert Hazell and Akash Paun's Constitution Unit/Institute for Government report, [Making Minority Government Work: Hung parliaments and the challenges for Westminster and Whitehall](#), was quoted ahead of the formation of a minority government in Ireland ([Irish Times](#), 14 April 2016).

Bob Morris discussed the Queen's 90<sup>th</sup> birthday with Graham Smith of Republic (BBC News Channel, 18 April 2016).

Alan Renwick's [blog post](#) on whether the Prime Minister would need to trigger Article 50 following a Brexit vote was quoted in an article about the uncertain consequences of a Leave vote ([Daily Telegraph](#), 28 April 2016).

[Unit research on government defeats in the House of Lords](#) was cited in a feature on whether the powers of the House of Lords should be curtailed (BBC [Sunday Politics](#), 15 May 2016).

Meg Russell discussed government defeats in the House of Lords (BBC R4 [Westminster Hour](#), 22 May 2016).

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## Select committee appearances

Meg Russell gave evidence to:

- the House of Lords Secondary Legislation Scrutiny Committee on the Strathclyde Review (see [news story](#), 10 Feb 2016);
- the Canadian Senate's Special Committee on Senate Modernization (see [news story](#), 12 April 2016);
- a committee of the Italian parliament on possible reforms to the Chamber of Deputies to strengthen executive accountability to parliament (see [news story](#), 6 May 2016).



# Bulletin Board

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## Unit publications

Matthew Flinders et al., [\*Democracy Matters: Lessons from the 2015 Citizens' Assemblies on English Devolution\*](#) (Democracy Matters, April 2016).

Petra Schleiter, Valerie Belu and Robert Hazell, [\*Forming a government in the event of a hung parliament: the UK's recognition rules in comparative context\*](#) (Constitution Unit/ University of Oxford Department of Politics and International Relations, May 2016).

Robert Hazell and Bob Morris, [\*The Queen at 90: The changing role of the monarchy, and future challenges\*](#) (Constitution Unit, June 2016).

## Briefing papers on the constitutional consequences of Brexit:

- Nicholas Wright and Oliver Patel, [\*The Constitutional Consequences of Brexit: Whitehall and Westminster\*](#) (Constitution Unit, May 2016).
- Oliver Patel and Christine Reh, [\*Brexit: The Consequences for the EU's Political System\*](#) (Constitution Unit, May 2016).
- Robert Hazell and Alan Renwick, [\*Brexit: Its Consequences for Devolution and the Union\*](#) (Constitution Unit, May 2016).

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## Publications received

Ryo Sanshi and James Gannon (eds), [\*Looking for Leadership: The Dilemma of Political Leadership in Japan\*](#) (Japan Center for International Exchange, Nov 2015).

Patrick J. Birkinshaw and Andrea Biondi (eds), [\*Britain Alone! The Implications and Consequences of United Kingdom Exit from the European Union\*](#) (Kluwer Law International, Feb 2016).

Swee Leng Harris and Lawrence McNamara, [\*The Rule of Law in Parliament: A Review of Sessions 2013-14 and 2014-15\*](#) (Bingham Centre for the Rule of Law, Feb 2016).

Harshan Kumarasingham (ed.), [\*Constitution-making in Asia: Decolonisation and state-building in the aftermath of the British Empire\*](#) (Routledge, April 2016).

Ken Ritchie, [\*The Reform Debates: An Agenda for Better Democracy\*](#) (The Reform Foundation, April 2016).

Martin Stanley, [\*How to Be a Civil Servant\*](#) (Biteback, April 2016).

Alexander Horne and Andrew Le Sueur (eds), [\*Parliament: Legislation and Accountability\*](#) (Hart, May 2016).

Nicola Lupo and Cristina Fasone (eds), [\*Interparliamentary Cooperation in the Composite European Constitution\*](#) (Hart, May 2016).

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## Contributors to Monitor 63

Justin Fisher, Jim Gallagher, Oonagh Gay, Daniel Gover, Robert Hazell, Michael Kenny, Jac Larner, Andrew Le Sueur, Christine Reh, Alan Renwick, Meg Russell, Mark Sandford, Alan Whysall and Ben Worthy.

The issue was edited by Jack Sheldon.