



OPTIONS FOR AN ENGLISH PARLIAMENT

MEG RUSSELL AND JACK SHELDON

OPTIONS FOR AN ENGLISH PARLIAMENT

Meg Russell and Jack Sheldon
The Constitution Unit
University College London

March 2018



ISBN: 978-1-903903-80-3

Published by:

The Constitution Unit
School of Public Policy
University College London
29-31 Tavistock Square
London
WC1H 9QU
United Kingdom

Tel: 020 7679 4977

Email: constitution@ucl.ac.uk

Web: www.ucl.ac.uk/constitution-unit

© The Constitution Unit, UCL, 2018

This report is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, hired out or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

First published March 2018

Front cover image: © Gareth Young, 2010.

Contents

List of Tables and Figures	viii
Acknowledgements.....	ix
Executive summary	x
1. Introduction	1
Part 1: Context	4
2. The history of the English Parliament idea.....	5
Pre-1997	5
1997–2014.....	6
Post-2014	8
Conclusion	9
3. Arguments for and against an English Parliament.....	10
Key arguments for an English Parliament	10
Key arguments against an English Parliament	12
Public attitudes to proposals for an English Parliament.....	13
Conclusion	17
4. Alternative models for an English Parliament.....	19
The separately elected model	19
The dual mandate model	20
Other models.....	22
Conclusion	22
5. UK and overseas experience	24
UK experience.....	24
Overseas experience	26
Conclusion	29
Part 2: Powers and functions	30
6. The policy powers of an English Parliament	31
Existing UK experience	31
Overseas experience	33
What English Parliament supporters have said	36
How and where would the policy powers of an English Parliament be defined?.....	36

What specific policy powers might be devolved to the English Parliament?	38
Conclusion	41
7. Financial arrangements for an English Parliament	44
Existing UK experience	44
Overseas experience	46
What English Parliament supporters have said	49
Fiscal devolution	50
Grant funding.....	50
Conclusion	52
8. An English government?	53
Existing UK experience	53
Overseas experience	55
What English Parliament supporters have said.....	56
Government formation and confidence.....	57
Government structure and ministerial portfolios	59
Conclusion	62
9. How business in an English Parliament would be organised	64
Existing UK experience	64
Overseas experience	66
What English Parliament supporters have said	67
Procedural options and questions	67
Conclusion	72
10. The implications of an English Parliament for the UK's central institutions.....	73
Existing UK experience.....	73
Overseas experience	74
What English Parliament supporters have said.....	76
Powers and financial arrangements.....	78
The structure of the UK government.....	79
The structure of the UK parliament	80
Intergovernmental relations, and a federal UK?	83
Conclusion	84
Part 3: Structure and composition.....	86

11. The structure and size of an English Parliament.....	87
Existing UK experience	87
Overseas experience	88
What English Parliament supporters have said.....	89
The structure of an English Parliament.....	90
The size of an English Parliament.....	92
Conclusion	92
12. The electoral system for an English Parliament	94
Existing UK experience	94
Overseas experience	97
What English Parliament supporters have said.....	98
Political effects of different electoral systems for an English Parliament	98
Conclusion	105
13. The location of an English Parliament	107
Existing UK experience	107
Overseas experience	108
What English Parliament supporters have said.....	109
Practical and symbolic considerations	110
A national competition?.....	112
Conclusion	113
14. Conclusion.....	114
The separately elected model	115
The dual mandate model	117
Alternative models?	119
Future prospects and implementation issues.....	120
Bibliography	122
Notes	137

List of Tables and Figures

Figure 3.1: English support for alternative options for how England should be governed (British Social Attitudes, 1999–2015)	14
Table 3.1: English support for banning Scottish MPs from voting on English laws (British Social Attitudes, 2000–15).....	14
Table 3.2: English support for alternative options for how England should be governed (Future of England Survey, 2011–14).	15
Table 3.3: English support for different governance arrangements (ICM, 2014).....	16
Table 3.4: One-off polling questions regarding possibility of an English Parliament	16
Table 5.1: Comparator countries discussed in the report	27
Table 5.2: Number and relative size of sub-state units in comparator countries	28
Table 6.1: Powers of existing UK devolved legislatures	32
Table 6.2: Division of policy powers in comparator countries	34
Table 6.3: Possible powers of English Parliament and UK parliament.....	42
Table 7.1: Fiscal powers of the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly.....	45
Table 7.2: Financial arrangements in case study countries	47
Table 8.1: Cabinet positions in Scottish and Welsh governments, and the Northern Ireland Executive	54
Table 8.2: Sub-state executive arrangements in comparator countries.....	55
Figure 8.1: Proportion of spending that is ‘England-only’ by UK government department (November 2015).....	60
Table 8.3: Possible departmental structure for a separate English government.....	61
Table 10.1: Central institutions in comparator countries.....	75
Table 10.2: Possible departmental structure and responsibilities of UK government following establishment of a separately elected English Parliament	79
Table 11.1: Structure and size of sub-state legislatures in comparator countries.....	89
Table 12.1: Electoral systems for the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly.....	95
Table 12.2: Alternative electoral systems and key implications.....	96
Table 12.3: Central and sub-state electoral systems in comparator countries	97
Table 12.4: Vote share in UK general elections in England, 1945–2017	99
Table 12.5: Results of UK general elections in English constituencies, 1945–2017.....	100
Table 12.6: Possible distribution of seats under AMS, based on average of constituency to list seat ratios from Scotland and Wales	102
Table 12.7: Projected results of UK general elections in England under AMS, 1997–2017	103
Table 12.8: Regional breakdown of projections based on 2017 general election under AMS	103
Table 13.1: Locations of central and sub-state legislatures in comparator countries	108
Table 13.2: Implications of alternative locations for English Parliament and UK parliament.....	110

Acknowledgements

This research was funded by a grant from the Nuffield Foundation.¹ We are extremely grateful to the Foundation and its staff for their support, and their flexibility in dealing with our requests. While the Nuffield Foundation provided our research funding, the views expressed in this report are those of the authors and not necessarily those of the Foundation.

Our project benefited from an advisory committee, comprising experts from a variety of different backgrounds. We held meetings with most members at an early stage of the project, during which they offered valuable insights into planning the research. Several members responded to queries and commented on draft chapters as they emerged. Towards the final stages all advisory committee members read and commented on a draft of this report. All are busy people and we are extremely grateful to them for their time – their support has been invaluable to the project. The members of the committee were Professor John Denham (University of Winchester), Paul Evans (House of Commons), Professor Anna Gamper (University of Innsbruck), Oonagh Gay (formerly House of Commons Library), Professor Charlie Jeffery (University of Edinburgh), Professor Michael Kenny (University of Cambridge), Akash Paun (Institute for Government) and Dr Mark Sandford (House of Commons Library).

In addition we received very useful comments on a full draft of this report from Alan Cogbill, Sir Stephen Laws and Dr Jens Woelk, as well as our Constitution Unit colleagues Professor Robert Hazell and Dr Alan Renwick. Professor Vernon Bogdanor, Jim Gallagher and Professor Tony Travers gave us valuable feedback on parts of the report. Thibaud Bodson provided us with some extremely helpful replies to inquiries about Belgian federalism. Of course, with regard to all of the above mentioned, any errors of fact or judgement in this report remain our own.

During the early stages of the project we interviewed key proponents of an English Parliament, and some other political actors who have shown interest in the idea. We would particularly like to thank Eddie Bone, Jon Cruddas MP, Scilla Cullen, John Redwood MP, Robin Tilbrook and Chuka Umunna MP for giving their time to speak to us. Eddie Bone and Scilla Cullen from the Campaign for an English Parliament (CEP) also co-operated with us in other ways during the course of the project, for which we are very grateful.

As further discussed below we ran an online public consultation on some of the key questions that are addressed in this report. Thanks are due to the 78 people who responded, among whom were senior academics, many advocates of an English Parliament, and others. Although the report quotes only sparingly from these responses many offered important insights.

Finally, we are hugely grateful to Chris Caden, Alex Diggins, Kelly Shuttleworth, Seema Syeda and Dominic Walsh for their significant contributions to the project whilst serving as Constitution Unit research volunteers, and to Dave Busfield-Birch for helping us to prepare the report for publication.

Executive summary

- Particularly since devolved bodies were established in Scotland, Northern Ireland and Wales in the 1990s, some have called for an English Parliament. Such calls began on the political right, but have also now been adopted by some on the left of politics. Nonetheless, despite these various proponents, no clear blueprint for an English Parliament yet exists.
- This report neither advocates for or against establishment of an English Parliament. Instead it explores the issues that would need to be considered if seeking to create such a body, and some of the available options. It does so by drawing on proponents' ideas, evidence from the existing UK devolution arrangements, and evidence from decentralised states overseas.
- Reviewing existing proposals for an English Parliament uncovers two distinct visions, of what we term the 'separately elected' and 'dual mandate' models for such a body. Although other possible models exist, the report focuses on these two alternatives, which have gained greatest support to date, and have different political implications.
- Proponents of an English Parliament want to achieve equity for England, representation and a distinct English 'voice' (including in intergovernmental forums), and potentially a new sense of English political identity. Opponents' main argument is that an English Parliament could potentially destabilise the Union, as England accounts for almost 85% of the UK population. Opinion polls sometimes suggest limited support for creation of such a body, but this depends on how the question is asked. Notably, support has been consistently high for barring non-English MPs from voting on English-only matters at Westminster – a change which was not delivered by the 2015 'English votes for English laws' procedures, but approximates to the dual mandate model for an English Parliament.
- When considering design options, a first key question is what the policy powers of an English Parliament should be. The existing devolved bodies have differing powers, and many proponents would like an English Parliament to be at the more powerful end of this spectrum, equalling the Scottish Parliament. But devolving policy areas such as justice and social security could create anomalies, particularly with respect to Wales. Creation of an English Parliament would therefore require powers of the existing devolved legislatures to be reviewed, and would generate pressures towards greater equalisation.
- A similar situation applies regarding finance, where Scotland has significantly greater fiscal powers than Northern Ireland or Wales, and creation of an English Parliament would cause pressure for greater symmetry. In addition, the current Barnett formula for grant funding from the UK government would become defunct if there was a separately elected English Parliament, and would come under pressure from a dual mandate English Parliament. Finding a replacement for the Barnett formula would be controversial and difficult.

- A key difference between the two main models of an English Parliament is that most dual mandate proponents do not envisage a separate English government; instead the UK government would continue to act for England. This makes the model look more incremental, and less disruptive, but could lead to major complications. Specifically, the UK government might not enjoy the confidence of the English Parliament – which could lead to territorial instability and concerns that such a body wasn't a parliament at all.
- Proponents have said relatively little about the day-to-day organisation of an English Parliament. Despite the ostensibly incremental nature of a dual mandate body, it would raise some tricky questions about Westminster's organisation, including the extent to which mechanisms (and staff) would be shared between the two bodies. A separately elected English Parliament could more easily break free from Westminster traditions, and might adopt procedural innovations in the same way as did the other devolved bodies. A full review of procedural options would be sensible in planning for creation of a body on either model.
- Creation of an English Parliament would inevitably have major consequences for the UK's central political institutions. So far, changes at the centre resulting from devolution have been fairly minor, but extending this to England would demand a root-and-branch review of the UK's territorial arrangements. The UK government would be left with responsibilities in areas such as defence, foreign affairs, national security and welfare, but would nonetheless significantly shrink. A notable feature of the existing devolution settlement is the lack of 'shared' or 'concurrent' competencies of a kind that exist in many other systems. This means that devolving to a powerful English Parliament would greatly reduce Westminster's policy levers, potentially removing it completely from areas such as education and health. There would be pressures towards formal federalism, and more robust intergovernmental arrangements would be required. Under a separately elected English Parliament the size of the House of Commons would almost certainly reduce, perhaps to 300 – 350 members, and under either model the role of the House of Lords would be brought into doubt.
- An English Parliament under the dual mandate model would have the same number of members as there are currently English MPs (533, with a planned drop to 501). A separately elected body should probably have substantially fewer – perhaps around 300. This would be sufficient to populate committees and perform both frontbench and backbench roles, while not increasing the number of elected English politicians overall. While the other devolved bodies are unicameral, there is justification for thinking that the English Parliament could be bicameral, given England's greater size, and there is overseas precedent for this kind of mix. Nonetheless, political pragmatism might well result in a unicameral body.
- A dual mandate English Parliament would (at least for the foreseeable future) be elected using Westminster's existing system of 'first past the post'. This has often resulted in the Conservatives winning the largest number of English seats, including sometimes when Labour has been in power at UK level. In contrast, a separately elected English Parliament

would almost certainly adopt a more proportional electoral system, most likely the ‘additional member system’ used in Scotland and Wales, or else the ‘single transferable vote’, used in Northern Ireland. These systems would probably result in no overall majority for any party, giving Labour and Conservatives similar chances of entering government, if able to garner support from smaller parties.

- A final question is where an English Parliament would be located. Proponents have avoided this question, partly because it might split their supporters. A dual mandate English Parliament could in theory be located away from Westminster, but this is unlikely. Meanwhile concerns about ‘London-centric’ politics mean that coexistence of a separately elected body and the UK parliament in the capital city would be ill-advised. While some English Parliament supporters would like to ‘reclaim’ Westminster for England, the huge symbolic impact, not to mention practical difficulties, of relocating the UK parliament make this very unlikely. This suggests that the English Parliament should adopt a location outside London, possibly in the North of England. Deciding where could in itself prove divisive.
- In conclusion, the adoption of an English Parliament would be a very major step, which would bring numerous other significant constitutional matters to the fore. While devolution to Scotland, Wales and Northern Ireland was absorbed to a large extent within existing arrangements, devolving from Westminster to a powerful all-England body would require wholesale review of many aspects, including devolution finance, powers, and fundamentally the territorial future of the UK state. A separately elected English Parliament would clearly be a radical change, requiring conscious decision-making on a wide range of issues – from size and electoral system to location and procedural arrangements. A dual mandate English Parliament might therefore appear more feasible, as a seemingly ‘incremental’ next step within Westminster. But such a development deserves equally careful thinking through, as it could lead to various new constitutional anomalies, and ultimately feed territorial instability.
- Although the idea of an English Parliament has enjoyed some political support for 20 years, proponents of both models are united in the lack of detailed planning behind their schemes. This report is the first to set out the options in significant detail. English Parliament supporters have some legitimate grievances, including how a distinct voice for England can be heard in key negotiations – such as, most recently, the Brexit process. Nonetheless, tackling these by creating an English Parliament would be difficult, and could potentially have destabilising effects. To consider the major questions involved, the people of England (and, crucially, elsewhere in the UK) need to see a blueprint from proponents of an English Parliament, addressing the many issues in this report. Alongside this, policymakers should consider whether there are alternative means of responding to these proponents’ legitimate concerns – for example through England-wide consultative bodies or a Secretary of State for England. These are important questions which deserve careful public deliberation. The best means of achieving this is probably some form of citizen-led constitutional convention.

1. Introduction

The territorial future of the UK remains unsettled. Labour's devolution programme in the 1990s created new institutions in Scotland, Wales and Northern Ireland, but left England's governance arrangements largely unchanged. The UK had long been a 'Union state' (Mitchell 2009), with a degree of administrative devolution reflecting the different traditions and needs of its component parts. England was the obviously dominant partner in that Union, representing around 85% of UK population, and risked eclipsing the identities of other parts – as illustrated by the fact that the terms 'England' and 'Britain' were often used interchangeably (e.g. Rose 1986). Creation of the new institutions addressed demands from the devolved areas for greater political accountability and recognition of diversity.

Ever since these changes, debate has continued about the appropriate arrangements for England, described as the 'gaping hole in the devolution settlement' (Hazell 2006c: 1). Labour's attempts to establish elected regional assemblies failed, and subsequently an uneven patchwork of city regions has developed (Pike et al. 2016, Sandford 2016). But some campaigners advocate England-wide solutions, and in particular the establishment of an English Parliament – to mirror the arrangements in Scotland, Northern Ireland and Wales. The Campaign for an English Parliament (CEP) was formed in 1998 to advocate for this proposal, and continues to do so. Various politicians, journalists and other commentators have also expressed support. Initially such voices were concentrated on the right of politics, but – as detailed later in the report – interest has gradually widened to include some senior figures on the left. Several recent developments have fuelled this growing interest. One is the growing powers of the existing devolved institutions, particularly those granted to Scotland following the so-called 'vow' during the 2014 Scottish independence referendum campaign. This helped in turn to spark the 2015 introduction of the 'English votes for English laws' (EVEL) procedures in the House of Commons – which many see as an unstable compromise. At the general election earlier that year Labour had lost all but one of its seats in Scotland to the SNP, which gave added impetus to its need to appeal to English voters. The main parties were also forced to respond to the growing popularity of UKIP, whose policy positions have included support for an English Parliament.

Following the 2016 referendum vote to leave the EU, Brexit is the dominant preoccupation in British politics. However, this process has also brought new territorial tensions to the fore. At the very least it demands a new settlement between the centre and the devolved bodies over key policy areas currently controlled at EU level – opening up new questions about the territorial division of policy competencies. Even before the Brexit decision, several major studies had reviewed the broad sweep of territorial arrangements (e.g. Bingham Centre for the Rule of Law 2015, Constitution Committee 2016c, Constitution Reform Group 2015, Hazell 2015), and there interest in a move to 'federalism' has increased (e.g. Blick 2016, Booth 2015, Torrance 2014). But it remains unclear how England would be represented in such a future.

Even now, 20 years on from the establishment of the CEP, and despite growing interest in the idea, there remains no single blueprint for an English Parliament. Yet, despite ongoing concerns by opponents that an elected body representing 85% of UK population would stoke territorial instability, it can no longer be considered a wholly fringe idea. As outlined in chapter 4, the term ‘English Parliament’ has in fact been used to refer to very different kinds of institution – primarily either a separately elected body equivalent to the devolved legislatures elsewhere in the UK, or one comprising of existing MPs for English constituencies holding a ‘dual mandate’. But proponents of these models have provided few details of precisely what they envisage, and the two models could have very different consequences.

This report is the main output of a Constitution Unit project on ‘Options for an English Parliament’, funded by the Nuffield Foundation (see Acknowledgements). Its purpose is not to argue either in favour of or against the establishment of such a body. Instead it examines the main models that have been proposed, in the context of the objectives of their proponents, the concerns of opponents, and the available evidence regarding how such a body might in practice be designed. It seeks to confront objectively the various design questions that must be answered if the idea of an English Parliament is to be given serious consideration.² These unresolved questions are wide-ranging, and include:

- What policy powers would an English Parliament have?
- How might an English Parliament’s policy responsibilities be financed?
- Would there be an English government, and if so what form would it take?
- How might the business of an English Parliament be organised?
- What implications would an English Parliament have for the UK’s central institutions?
- How large should an English Parliament be, and should it comprise of one or two chambers?
- What electoral system should be used for an English Parliament?
- Where would an English Parliament be located?

Objective assessment of such questions is not straightforward, and the evidence base on which to draw is limited; to some extent this is an exercise in prediction. We address the questions as far as possible from a practical (‘what options are available?’) and a constitutional (‘what does the available evidence suggest would be constitutionally most appropriate?’) perspective. However, there is also a political (‘what would UK politicians and public be likely to accept?’) element to some questions, which we address at various points throughout the report. Overall, we seek to provide reliable and objective analysis from which those engaged in debates about the possibility of an English Parliament can draw.

Our research began with an exhaustive review of existing calls for the establishment of an English Parliament, and interviews with key proponents of the idea. We then conducted extensive desk research into existing decentralisation arrangements in the UK and 10 comparator countries overseas, in order to learn lessons from these systems (see chapter 5 for details). In addition, we ran a public consultation, which was open from November 2016 to January 2017.

Respondents filled in an online questionnaire containing questions similar to the eight listed above. We received 78 responses, many from supporters of an English Parliament.³ We have also benefited from the support of an expert Advisory Committee, and input from various others (as listed in the Acknowledgements section).

In Part 1 of the report we set out the context, with chapters that briefly review the history of the English Parliament idea, outline the concerns of both proponents and opponents, review what evidence exists of public attitudes, describe the alternative models that have been proposed, and provide an overview of UK and overseas experience. The remainder of the report then focuses on the questions listed above regarding how an English Parliament might be designed – with a particular emphasis on the separately elected and dual mandate models. The chapters in Part 2 examine the first five questions, concerning powers and functions, while those in Part 3 cover the remaining three questions, regarding structure and composition. Each of these chapters begins by reviewing experience from the UK’s devolved institutions and from overseas, and provides a summary of what English Parliament supporters have said, followed by more detailed consideration of what the international and domestic evidence suggests about the alternative design options and their implications. Each chapter is intended to an extent to stand alone, and some readers may want to choose from them selectively. Within chapters, some readers may also wish to move straight to our evaluation of the options – which can be found in the second half of the chapter, and is summarised in its conclusion. In Part 4 we draw all of these findings together to form overall conclusions about the two models, about possible alternatives, and about how debates regarding an English Parliament can and should develop.

Part 1: Context

2. The history of the English Parliament idea

Although such calls have become more frequent in recent years, proposals for an English Parliament have a long history. We review that here, dividing it into three distinct phases – the years before the referendums in favour of Scottish and Welsh devolution in 1997, the period between these decisions and the 2014 Scottish independence referendum, and the period since. The intention is to provide a broad chronological outline. The key arguments for and against an English Parliament, as articulated by supporters and opponents, are summarised in chapter 3, alongside public attitudes to the proposal. The alternative models advocated by the proponents mentioned in these two chapters are then discussed further in chapter 4. The broader UK and overseas contexts within which calls for an English Parliament have been made are set out in chapter 5.

Pre-1997

Although the Westminster parliament continued to be referred to as the ‘Parliament of England’ until the 1707 Act of Union with Scotland, a parliament composed solely of English representatives has not met since members from Wales joined the House of Commons in 1542 (Bogdanor 1999). During the centuries that followed, the lack of a distinct English legislature was accepted with little protest. Proposals for an English Parliament of some form did nonetheless surface in the context of calls for wider constitutional reform, including during the 19th-century debates on Irish ‘home rule’. Particularly following the defeat of Gladstone’s first Home Rule Bill in 1886, proposals for ‘home rule all round’ were widely advanced (Kendle 1989, Rembold 2000). Some of these schemes would have divided England into regions and others would have created an England-wide legislature, with suggestions that this be either a separately elected body or one composed of existing members of the House of Commons sitting for English seats. A cabinet committee seriously considered home rule all round in 1911–12, but the legislation introduced by Prime Minister Herbert Asquith was ultimately confined to Ireland. A Speaker’s Conference on devolution which sat in 1919–20 also examined options for England, and came to the view that all-England institutions of some form would be preferable to regions on grounds of practicality (Evans 2016). However, this Conference concluded without agreement on what form such all-England institutions should take. Its report made little impact.

Devolution returned to the political agenda in the 1970s. Reporting in 1973, the Royal Commission on the Constitution (the ‘Kilbrandon Commission’) recommended assemblies for Scotland and Wales, but was dismissive of the possibility of an English assembly. Foreshadowing the views of many later critics of the English Parliament idea, it concluded that a ‘federation consisting of four units – England, Scotland, Wales and Northern Ireland – would be so

unbalanced as to be unworkable' (Royal Commission on the Constitution 1973: para. 531). The Labour government that unsuccessfully attempted to introduce Scottish and Welsh assemblies later in the 1970s agreed, ruling out an English legislature (Office of the Lord President of the Council 1976). The passage of the legislation for these proposed assemblies was frustrated by opposition from some Labour MPs (McLean 2016). They famously included Tam Dalyell, who drew attention to what became known as the 'West Lothian question' – the anomaly whereby MPs would no longer be able to vote on matters devolved to the new legislatures, but those representing non-English constituencies could still vote on equivalent matters applying only to England.⁴ However, these opponents were seeking to argue against devolution to Scotland and Wales, rather than in favour of an English assembly. Dalyell (2016: 74) himself later recalled that he thought a federation featuring England would be 'completely out of balance' and 'just not workable'.

Ultimately Labour's plans for new elected bodies failed to secure the necessary level of public support at referendums held in 1979, which helped to precipitate the government's collapse. The Conservative government that followed was resistant to calls for devolution, despite establishment of a Scottish 'constitutional convention' composed of members of Labour and the Liberal Democrats together with civil society actors, which published a report outlining proposals for a Scottish Parliament (Scottish Constitutional Convention 1995). No significant similar proposals were made during this period regarding an English Parliament.

1997–2014

Following the 1997 general election, the new Labour government swiftly secured endorsement through referendums for its proposals for a Scottish Parliament and National Assembly for Wales. These were followed by a referendum on the Good Friday Agreement in Northern Ireland in 1998, which included plans to establish a Northern Ireland Assembly.⁵ In response to these developments calls for an English Parliament began to be made, including within the Conservative Party. The most prominent early suggestion came from Teresa Gorman MP, who introduced a private member's bill calling for a referendum on an English Parliament which was debated in January 1998.⁶ She later published proposals for such a body in a pamphlet (Gorman 1999). Gorman stressed in debate on her bill that she would have preferred not to have devolution at all, but that as it was happening England must have 'fair and equal treatment'.⁷ Other Conservative MPs speaking in support included Peter Luff and David Davis.⁸ Shortly after this debate Conservative leader William Hague announced that an English Parliament was among four options being considered as the party searched for 'the least damaging answer to the West Lothian question' (Hague 1998a: 13-14). A survey carried out by the *Scotsman on Sunday* newspaper ahead of the 1998 Conservative Party conference, at which Hague (1998b) again hinted that he could advocate an English Parliament, suggested that more than half of his party's MPs supported the idea (BBC News 1998). However, the party leadership ultimately adopted a policy of 'English votes for English laws' (EVEL) instead. This went on to be included in the 2001 general election manifesto, which pledged to '[r]eform Parliament so that only English and

Welsh MPs vote on exclusively English and Welsh matters' (Conservative Party 2001: 44). Similar commitments were included in every Conservative general election manifesto until EVEL's introduction in 2015 (Conservative Party 2005, 2010, 2015).

In parallel with the debate inside the Conservative Party, the Campaign for an English Parliament (CEP) was formed to advocate for the idea. The group was launched at the 1998 Conservative conference (BBC News 1998), but has always included members from a variety of different political backgrounds. Its current Campaign Director and leading spokesperson is Eddie Bone, an active trade unionist and former Labour Party supporter. The CEP's central demand, as stated on its website, is for 'an English Parliament with powers at least as great as those of Scotland' (Campaign for an English Parliament 2017a). However, the group has never developed a detailed blueprint – instead focusing on perceived injustices in the current asymmetrical arrangements, and making the in principle argument for an English Parliament. The organisation has always been run by volunteers, and claims a membership in the low thousands. It has maintained a presence in discussions about the English question through protests, online activity and attendance at public events. The CEP itself has never contested elections but its objectives have been shared by the English Democrats, a small political party established in 2002 (Kenny 2014), and there is some membership cross-over between the two organisations. The English Democrats have generally had limited electoral success.⁹

Other politicians who proposed an English Parliament of some form during this period included the former Conservative cabinet minister John Redwood (2006), the Welsh Conservative AM David Melding (2009) and the backbench Labour MP Frank Field. In 2007 Field sponsored an early day motion noting public opinion polls that showed support for an English Parliament, and it received 20 signatures.¹⁰ Other political party interest in this period came from the UK Independence Party (UKIP). This was patchy, but did include a proposal in the party's 2010 election manifesto (Hayton 2016, UKIP 2010), while its then deputy leader, Paul Nuttall (2011), emerged as one of the most prominent advocates. There were also some calls for an English Parliament in publications from right-wing think tanks, including the Adam Smith Institute (Clougherty 2007) and the Bow Group (Ormond 1999), and from prominent individuals such as newspaper columnists (e.g. Heffer 2008, Monbiot 2009), and the singer-songwriter Billy Bragg (2000).

Although interest in an English Parliament grew in this period, calls for such an institution were intermittent, often isolated and only approached the mainstream during William Hague's brief flirtation with the idea. It was thus reasonable to conclude, as Robert Hazell (2006b: 9) did, that an English Parliament was 'not seriously on the political agenda'. Subsequently Harding et al. (2008: 84-85) suggested that the proposal would only 'really gain credibility if heavyweight politicians in mainstream parties came out in support', or if UKIP started winning substantial numbers of seats.

Post-2014

During the campaign for the Scottish independence referendum, the leaders of the three main UK-wide parties signed a ‘vow’, promising the Scottish Parliament increased powers (Dearden 2014). The morning after the result the then Prime Minister David Cameron declared that ‘the millions of voices of England must also be heard’ (Cameron 2014). His proposed response was EVEL. This went on to be introduced in 2015, albeit in a relatively weak form – using a ‘double veto’ system, whereby English MPs could block legislation certified as England-only, but such legislation could still potentially be blocked by the House of Commons as a whole (Gover and Kenny 2016). In the days and weeks following the Scottish referendum others in the Conservative Party called for a more radical reform involving the establishment of an English Parliament. John Redwood (2014a, 2014d) was particularly vocal in his support. David Davis, who after advocating an English Parliament in the 1990s had contested the Conservative leadership in 2005 and went on to be appointed to the cabinet as Secretary of State for Exiting the European Union in 2016, supported a different version of the idea in the *Sunday Times* (Davis 2014). A private member’s bill proposing a federal structure for the UK, including an English Parliament, was introduced by Conservative backbencher Andrew Rosindell in November 2014, co-sponsored by Redwood, alongside the Chair of the Conservative 1922 Committee Graham Brady and several MPs from other parties.¹¹

A key difference between this period and that which preceded it was an increased interest in the English question within the Labour Party. This was especially true following the party’s disappointing general election result in 2015, as senior figures sought a way of appealing better to patriotic English voters who appeared to have deserted Labour in favour of the Conservatives or UKIP. Manifestations of such interest included an e-book, *Labour’s Identity Crisis: England and the Politics of Patriotism* (Hunt 2016a), featuring essays from 10 of the party’s 2015 election candidates, and calls for an English Labour Party (Cruddas 2015). After leaving parliament at the 2015 election, former cabinet minister John Denham went on to establish a Centre for English Identity and Politics at the University of Winchester, and later an English Labour Network (Edwards 2017). Among the speeches hosted by the Winchester Centre was one by former Shadow Education Secretary Tristram Hunt (2016b), in which he suggested that a referendum should be held on establishment of an English Parliament. Elsewhere former Shadow Business Secretary Chuka Umunna (2015b) also indicated support for such a body, and Frank Field (2014, 2017) continued to be a prominent supporter. Denham (2016) himself also personally expressed an interest in the possibility of an English Parliament. Meanwhile, in the context of concern about the future of the Union, there were many calls for federalism from Labour politicians (Carrell 2017, Umunna 2015a), and this became the policy of the Scottish Labour Party under Kezia Dugdale’s leadership (Gordon 2017). What it would involve for England was not specified, though an English Parliament would clearly be one option.

Support for an English Parliament has also been expressed by various other groups and individuals in the period since 2014. Developments in both the Conservative and Labour parties

can be seen as in part connected to pressure from UKIP, which recorded its best ever general election result in 2015 and performed particularly well during this period with those identifying strongly as English (Curtice and Ormston 2015). UKIP did not in fact repeat its 2010 call for an English Parliament at the subsequent general election (UKIP 2015), instead favouring EVEL. However, the proposal returned in more detailed form in its 2017 manifesto (UKIP 2017), at which time Paul Nuttall was briefly party leader. Political support for an English Parliament has also been expressed by some SNP figures, including former leader Alex Salmond (Andrew Marr Show 2015) and MP Pete Wishart (2017). Media interest peaked immediately following the Scottish referendum, with columnists from a wide range of political perspectives backing the idea, including Janan Ganesh (2014), Will Hutton (2014) and Louise Mensch (2015). Some academics also came out in favour around this time, including Colin (2014, 2018) and James Dennison (2014). Meanwhile, 20 years after its foundation the CEP continues to press the case for an English Parliament, while also tentatively indicating support for English independence as an alternative if its primary objective cannot be achieved (Cullen 2016).

Conclusion

Interest in an English Parliament can be traced back over more than a century, but has been highly sporadic, and primarily in response to developments in other parts of the UK. Events since 1997 in particular, with the creation of new elected bodies in Scotland, Wales and Northern Ireland, have led to increased debate about the idea. The most recent such catalyst was the Scottish independence referendum of 2014, and the enhanced powers promised to the Scottish Parliament during the campaign – since delivered in the Scotland Act 2016. This and a number of other political factors led to increased interest in questions of English governance, which was only partially satisfied by the 2015 implementation of English votes for English laws.

Hence the number of proponents of an English Parliament has grown, and spread across the political spectrum, with increasingly credible figures having come out in favour within both the Conservative and Labour parties, partly under pressure from UKIP. Few of these individuals have yet shown sustained interest, and the English question has slipped down the political agenda once more following the 2016 EU referendum. However, the Brexit process has raised major new questions about devolution arrangements. It is therefore entirely possible that proposals for an English Parliament will again come to the fore. With growing interest in the possibility of an English Parliament it can no longer be considered a wholly fringe idea; the likely effects of creating such a body therefore deserve closer examination.

3. Arguments for and against an English Parliament

The previous chapter outlined the history of the English Parliament idea, charting its prominence in political debates. This chapter considers some of the key arguments that have been made in favour of the idea by its proponents, and likewise arguments made by opponents against the idea. The hopes of proponents, and fears of opponents, are important to our analysis, as they help to provide benchmarks against which we can judge the different design options in the remainder of the report. A further important question when considering support for an English Parliament is how the proposal has been received by the public. The third section of this chapter therefore explores evidence from public surveys in the period since 1997, finding such evidence to be inconclusive. The ambivalence detected in public attitudes suggests that the arguments of either proponents or opponents of an English Parliament could find support if the issue rose further up the political agenda.

Key arguments for an English Parliament

As discussed in the previous chapter, the idea of an English Parliament initially emerged as part of arguments for ‘home rule all round’, including from proponents of devolution. In the 1990s, in contrast, advocates such as Teresa Gorman actually opposed Labour’s devolution plans, but in their wake saw establishment of an English Parliament as a means of achieving equity, and greater symmetry. More recently John Redwood, the former Conservative cabinet minister and now backbench MP, who launched a ‘Speak for England’ campaign in response to the extra powers promised to the Scottish Parliament in 2014 (Redwood 2014b), has claimed that ‘[w]hat is good enough for Scotland is good enough for England’. He has therefore suggested that ‘Labour’s one-sided devolution... left unfinished business’ (2014a) and that there is a need for ‘England to get EVEN’ (2015).¹² The Campaign for an English Parliament (CEP) use very similar rhetoric. As Aughey (2010: 514) has said of the Campaign, ‘[t]he substance of its case is equity’. Among the claims that existing territorial arrangements are unfair to England is the particular grievance that MPs representing seats outside England (in areas that have their own devolved institutions) still have potential to influence England-only policy at Westminster. This concern was somewhat alleviated, but not eliminated, by the 2015 English votes for English laws (EVEL) procedures.

Such arguments are to a significant extent pragmatic and reactive. However, they are linked to more positive arguments made by some proponents of an English Parliament, based on the benefits of representation and ‘voice’ for the English. Hence Eddie Bone (2016) of the CEP has suggested that ‘[n]either the Union parliament, nor the British government, can or should be encouraged to “speak for England”’. He asserts that under current arrangements English MPs

may be conflicted, between speaking for England, and denying their role as representatives in a UK parliament, or speaking for Britain, and denying the English a distinct voice. A particular concern relates to the lack of such voice at governmental, and intergovernmental, levels – where the only representation of English interests must come through UK ministers. This issue has come to the fore most recently with respect to the Brexit negotiations (Campaign for an English Parliament 2016, Copus 2018), where central government is in discussion with ministers from the devolved areas over repatriation of EU competencies, but there is no distinct English representation at the table. This leads to questions about fair representation for the English, and clear accountability by those in government for decisions that relate (solely) to England.

A further related argument by proponents of an English Parliament is that this could provide a forum for the flourishing of English identity. Introducing his bill in 2014, Conservative MP Andrew Rosindell suggested that such a body would ‘provide democratic self-government for all four countries, with autonomy and freedom over their own affairs, and the ability to uphold their own identities, traditions and laws’.¹³ Likewise, John Denham (2016: 5) has suggested that a progressive and patriotic Englishness cannot develop ‘while there are no democratic forums or systems of democratic government to provide the focus and crucible of debate’, making an English Parliament an ‘essential Labour movement demand’.

A big question about the possible introduction of an English Parliament, which is discussed further below and throughout the remainder of this report, is the effect that it might have on the stability of the UK Union. Proponents claim that establishment of such a body would support that stability, as without equity, voice and a political forum of their own, the English will feel growing resentment and dissatisfaction towards the Union (e.g. Bayliss 2016, Bone 2016, Field 2014). Nonetheless, members of both the CEP and the English Democrats have flirted increasingly openly with the attractions of English independence (BBC News 2014a, Cullen 2016).

As already indicated above, and in the previous chapter, proponents of an English Parliament are in part driven by pragmatic concerns. This applies particularly to those in the political parties, who may see electoral benefits in advocating for such a body. Particularly during the period of Labour government, some Conservatives clearly hoped that creation of all-England institutions (including either EVEL or an English Parliament) would provide arenas that they could politically control. Teresa Gorman (1999: 13) was quite explicit about this motivation, writing that ‘England is the Conservative heartland and is likely to return a Conservative parliament, with a Conservative First Minister’.¹⁴ More recently, Labour’s electoral weakness – both in large swathes of England, and also in Scotland – has increased incentives to appeal to patriotic English voters. These additional motivations help to explain why political interest in an English Parliament has grown.

Key arguments against an English Parliament

Despite growing support for an English Parliament among some in the political class, the majority of elite actors, including both politicians and academics interested in constitutional politics, have tended to dismiss the idea. The most central objection has been that already cited by the Kilbrandon Commission, that an English Parliament representing almost 85% of the UK's population, would make the Union 'so unbalanced as to be unworkable' (Royal Commission on the Constitution 1973: para 531). Contrary to the claims of some proponents above, who focus on the views of English voters, opponents' fear is that England's political and economic dominance over Scotland, Wales and Northern Ireland would fuel destabilising nationalism in those areas. The fact that SNP politicians have actively encouraged an English Parliament (Andrew Marr Show 2015), albeit through using arguments about the need for balance, tends to support this view.

For some opponents such a concern is strongly felt. In evidence to the House of Lords Constitution Committee, academic Adam Tomkins (now a Conservative MSP) went so far as to say that a powerful English Parliament would be 'a recipe for collapsing the Union' (Constitution Committee 2016c: 94). The committee largely accepted this analysis in its report on *The Union and Devolution*, concluding that such an institution 'would introduce a destabilising asymmetry of power' (Ibid.: 95). Former Prime Minister Gordon Brown (2017) has similarly argued that an English Parliament 'could finish off the union'. Such claims have also been made by well-known constitutional expert Professor Vernon Bogdanor (2015: 16), who has cited historical precedents suggesting that 'systems in which the largest unit dominates have little chance of survival', drawing attention to the examples of the USSR, Czechoslovakia and Yugoslavia. Elsewhere, reference has been made to the post-war German constitution, in which Prussia was deliberately broken up into smaller units 'to prevent it being disproportionately large and dominating the new Germany' (Hazell 2006a: 224). Such dominance need not be based solely on population size, but can also result from factors such as relative wealth and geographic position. England's size, geographical centrality and housing of the UK's capital city, could all be seen to add to these concerns.

England's relative size within the UK as a whole has also driven the second main objection to an English Parliament: that the 'transfer of responsibilities from a UK of approximately 65 million to an England of around 55 million would not deliver the benefits of decentralisation associated with devolution' (Blick 2016: 18). An English Parliament could hence 'exacerbate the political listlessness in many English regions' (Ferguson 2014). Combined with the concern about UK stability, this has made devolution to units within England rather than to England as a whole the favoured solution to the English question for many elite actors. As touched upon in chapter 5, Labour tried and failed to introduce elected regional assemblies in the 1990s, while devolution to local government institutions in some areas has instead subsequently taken place under the coalition and Conservative governments (Pike et al. 2016, Sandford 2016). Establishment of regional assemblies that could facilitate a move to federalism meanwhile continues to be

advocated in some quarters (e.g. Blick 2016, Brown 2017, O’Callaghan 2014). Yet such calls are anathema to the Campaign for an English Parliament, which argues that creating regional structures would amount to ‘the destruction of England’ (Campaign for an English Parliament 2017b).

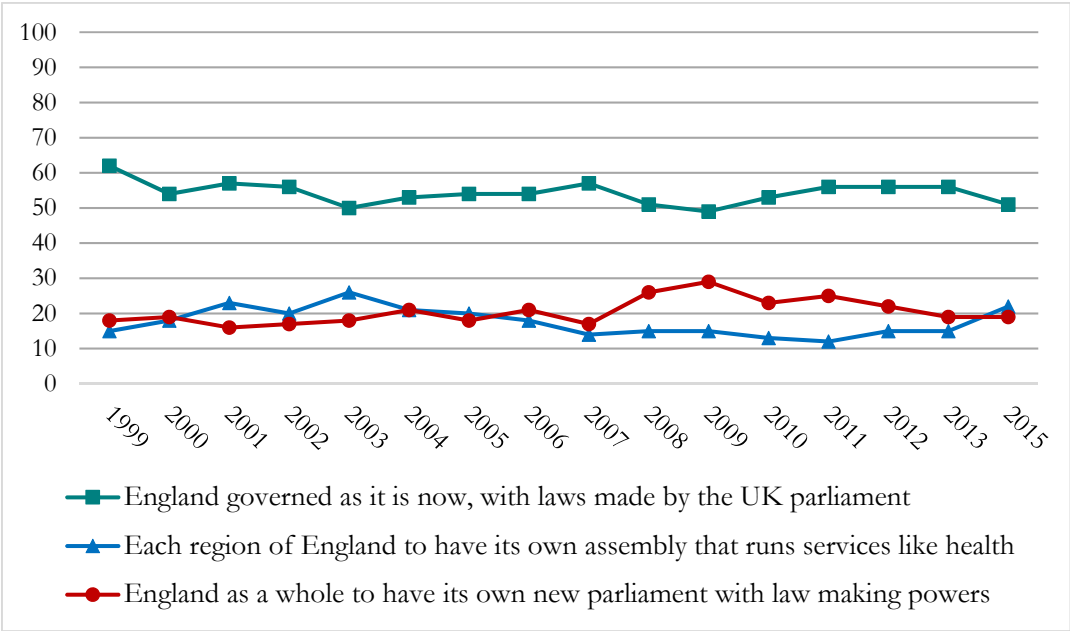
As with the arguments of proponents, resistance to an English Parliament by some in the political class can be seen as driven – at least in part – by pragmatic electoral concerns. While the idea gained significant support within the Conservative Party at times between 1997 and 2014, there were initially very few Labour supporters. The electoral context was one where from 1997 to 2014, and indeed for most of the period since 1945, Labour performed more strongly in Scotland and Wales than in England, while the Conservatives were relatively weak in these areas (see chapter 12). This meant that for many Labour politicians all-England institutions were a potential political threat. Such factors help to explain a strong resistance from Labour frontbenchers. In 2006 Lord (Charlie) Falconer, then the minister responsible for constitutional affairs, told a conference that ‘[t]o the idea of an English Parliament we say – “not today, not tomorrow, not in any kind of future we can see now”’ (Mulholland 2006). As Prime Minister, Tony Blair described such a body as ‘completely unworkable and completely unnecessary’ (Mulholland 2007), while Gordon Brown was also strongly opposed (Bryant 2010). In recent years these dynamics have changed somewhat, but only to a limited extent. Despite increased support for the English Parliament idea by some within the party, many Labour politicians remain dismissive. As set out by Deputy Leader Tom Watson in 2016, Labour’s official position is still to oppose establishment of such a body and instead to seek further decentralisation within England (Sparrow 2016).

Public attitudes to proposals for an English Parliament

In addition to these various objections, elite actors have frequently argued that there is insufficient public demand for an English Parliament (e.g. Bogdanor 2010, Hazell 2006c). Meanwhile, proponents often claim wide and growing popular support for the idea (e.g. Bone 2016, Redwood 2015). Evidence from public opinion surveys is in fact inconclusive, with considerably different outcomes produced when the question is presented in different ways.

The longest and most widely cited time series on this question has run since 1999, as part of the British Social Attitudes (BSA) survey. Respondents have been asked their view on how England should be governed, with three options presented – the status quo, regional assemblies or an English Parliament. As indicated in Figure 3.1 this question has consistently found majority support for the status quo, with relatively low levels of support for the alternatives and no major changes over time. Support for an English Parliament peaked at 29% in 2009, but had fallen back to 19% by 2015, when it was overtaken by support for regional assemblies (22%). These figures are of course now more than two years old, and predate key developments such as Brexit and Scotland’s gaining of additional powers.

Figure 3.1: English support for alternative options for how England should be governed (British Social Attitudes, 1999–2015)



Question: ‘With all the changes going on in the way different parts of Great Britain are run, which do you think would be best for England?’ *Source:* Curtice (2016: 11).

The English votes for English laws procedure was not included as an option in this question but a separate BSA question, based on agree/disagree options, consistently found strong support for the principle that ‘Scottish MPs should no longer be allowed to vote in the House of Commons on laws that affect England’ (see Table 3.1). This wording does not actually equate to the version of EVEL introduced in 2015, but to a stronger version originally supported by many Conservatives. In the 2015 BSA as many as 60% of respondents agreed or strongly agreed with the statement, while just 11% disagreed or strongly disagreed. Over time there has also been a notable increase in the number who ‘strongly agree’. Despite this John Curtice (2016: 12), one of the authors of the BSA survey, has interpreted the results as indicating ‘rather muted’ English reactions to the constitutional debate sparked by the Scottish independence referendum.

Table 3.1: English support for banning Scottish MPs from voting on English laws (British Social Attitudes, 2000–15)

	2000	2001	2003	2007	2010	2012	2013	2015
Agree strongly	18	19	22	25	31	29	30	28
Agree	45	38	38	36	35	36	34	32
Neither agree nor disagree	19	18	18	17	17	15	25	20
Disagree	8	12	10	9	6	7	7	9
Strongly disagree	1	2	1	1	1	1	1	2

Statement: Now that Scotland has its own parliament, Scottish MPs should no longer be allowed to vote in the House of Commons on laws that only affect England. *Source:* Curtice (2016: 12).

Since 2011 a shorter time series has appeared in the Future of England survey. Unlike the BSA question, this has offered all four main options for English governance together as alternatives – the status quo, EVEL, an English Parliament and regional assemblies. This has found EVEL – again in its stronger form, where non-English MPs are excluded from English business – to be clearly the most popular option, with much lower support for the status quo than in the BSA results (see Table 3.2). Support for the English Parliament option has never exceeded 20%. In 2014, which was the year of the Scottish independence referendum, the Future of England survey also included separate agree/disagree questions on various options. At this point 54% of respondents agreed with the establishment of an English Parliament while 69% agreed with EVEL (Jeffery et al. 2014: 20). On the basis of these findings the authors asserted, contrary to Curtice, that there had been a significant English response to developments elsewhere in the UK. They suggested that the findings demonstrated ‘an English desire for self-government’, with English voters searching for an ‘institutional recognition of England that can express their concerns better than the current political system’ (Ibid.: 3).

Table 3.2: English support for alternative options for how England should be governed (Future of England Survey, 2011–14)

	2011	2012	2014
For England to be governed as it is now with laws made by all MPs in the UK parliament	24	21	18
For England to be governed with laws made by English MPs in the UK parliament	34	36	40
For each region in England to have its own elected assembly	9	8	9
For England as a whole to have its own new English parliament with law-making powers	20	20	16
Don't know	14	16	17

Question: ‘With all the changes going on in the way different parts of the United Kingdom are run, which of the following do you think would be best for England?’ *Sources:* Jeffery et al. (2014: 14), Wyn Jones et al. (2013: 13).

An alternative set of options for English governance was presented in an ICM survey in November 2014, when the Smith Commission was considering how ‘the vow’ could be put into effect after the Scottish independence referendum. This structure again allowed respondents to agree/disagree with any one of several statements, and the responses are shown in Table 3.3. Consistent with previous questions, the strong form of EVEL gained the greatest support, while the proportion of respondents agreeing with either this or the establishment of an English Parliament was rather lower than in the Future of England survey. Additional options offered to these respondents included the possibilities of implementing change through UK ministerial representation – either for English regions, or for England as a whole. These options achieved similar levels of support to an English Parliament, while regional government proved slightly less popular.

Table 3.3: English support for different governance arrangements (ICM, 2014)

	Total agree
Changing the rules in parliament, so that only English MPs can vote on laws that would apply only in England	55
English Parliament	43
UK government ministers for each of the regions of England	47
Secretary of State for England in the UK cabinet	43
New regional authorities based around the major cities in England	37

Source: Henderson, Jeffery and Liñeira (2015).

One-off polling asking whether or not an English Parliament should be established has also occasionally been carried out. In line with the Future of England Survey's agree/disagree question, these polls have tended to find much stronger public support for the idea than when it is presented among a list of options (see Table 3.4). The peak came in the immediate aftermath of the Scottish independence referendum, when in one poll 59% supported an English Parliament (with only 11% opposed). At other times support has also been close to 50%. The exact questions asked have varied, as shown in the table, but differences do not appear to have much effect on public responses.

Table 3.4: One-off polling questions regarding possibility of an English Parliament

	Support	Oppose	Don't know
a) The formation of a new English Parliament, similar to the Welsh and Northern Irish assemblies (May 2015)	48	21	31
b) Setting up an English Parliament for only English MPs (Dec 2014)	41	29	20
c) Setting up an English Parliament for MPs representing only English constituencies (Oct 2014)	53	41	6
d) Should there be a new English Parliament? (Sept 2014)	59	11	20
e) Setting up an English Parliament for only English MPs (Sept 2014)	40	33	27
f) The establishment of an English Parliament within the UK (Jan 2012)	49	16	34

Sources: a) YouGov/*Sunday Times*; b) ComRes/ITV; c) ComRes/BBC; d) Survation/*Mail On Sunday*; e) ComRes/ITV; f) ICM/*Sunday Telegraph*

The overall picture is therefore quite mixed, making it impossible to build a clear case either that there is little demand or strong demand for an English Parliament. In truth the issue has never

been of high salience in the eyes of public.¹⁵ The results of the surveys quoted above should therefore be interpreted extremely cautiously. To the extent that a clear conclusion can be drawn it is that the public appear to be instinctively more favourable to all-England solutions to the English question than to regional ones. Among these, EVEL appears to be more popular than an English Parliament. However, the form of EVEL set out in these surveys goes beyond that which was implemented in 2015 – suggesting that support for stronger all-England solutions could grow further in future. This might be especially likely if England-only legislation supported by a majority of MPs sitting for English seats were vetoed by MPs representing other constituencies in the UK (as further discussed in chapter 5).

Conclusion

This chapter has reviewed attitudes towards an English Parliament, among proponents, opponents, and the wider public. The arguments presented in favour of establishing such a body have been to a significant extent reactive and pragmatic. The most central argument has been the need to enshrine fairness and equity for the English following the establishment of the devolved institutions in Scotland, Wales and Northern Ireland. This leads to a claim that the system should allow the English their own distinct political ‘voice’, and distinct forums for political representation and expression – which already exist for citizens in other parts of the UK. Proponents of an English Parliament claim that without provision of such equity, representation and voice the English may turn their backs on the political Union, destabilising the territorial integrity of the UK. However, this latter claim is disputed by opponents of an English Parliament. One of the central arguments against creation of such a body is that the size and political dominance of England would mean that an all-England body would in itself have destabilising effects – driving resentment and nationalism beyond England’s borders. Another key objection to the idea of an English Parliament is that it would do little to decentralise politics, creating a body as remote from most citizens as is the current Westminster parliament. In addition to these arguments, among politicians of both main parties partisan considerations have also been a factor in driving support or opposition to an English Parliament. Despite growing interest, those in the main parties who have advocated such a body remain very much a minority, and only a limited number of other elite actors favour the idea.

What evidence exists of public attitudes towards the idea of an English Parliament is conflicting, with different results produced depending on how questions are presented. Survey evidence does appear to suggest that over the past two decades the public has been more open to change than elite actors have sometimes suggested – though the issue has never reached high public salience. Notably, there has been consistently strong public support for the principle of restricting votes on England-only legislation to MPs from English constituencies, which was not achieved through the 2015 English votes for English laws arrangements. Those arrangements remain fragile, and could become subject to dispute – most notably if a future Labour government gained a Commons majority dependent on non-English votes. Likewise, future territorial disputes over Brexit or other matters could drive public opinion in either direction, particularly if

exploited successfully by political campaigners. Again, this underlines the importance of a more detailed analysis of the implications of the English Parliament idea.

4. Alternative models for an English Parliament

We have seen that elite interest in an English Parliament has increased in recent years, with support coming from a growing range of political perspectives. Proponents argue that such a body would promote territorial fairness, English representation and ‘voice’. However, even the longest-established amongst them have provided little detail about what their visions would entail, and there is certainly no single blueprint for an English Parliament. Indeed, where supporters have gone into specifics, a variety of competing models have been suggested – none of which have been fully developed. This chapter outlines these models and some of the questions that they raise – which we then go on to explore in Parts 2 and 3 of this report. We focus mainly on two broad competing models that have most often been advocated by proponents – what we call the ‘separately elected’ and ‘dual mandate’ models. We then discuss some other possibilities more briefly.

The separately elected model

The most instinctively obvious model for an English Parliament is a new directly elected political institution, separate from the UK parliament, holding to account an English government headed by an English First Minister.

The main attraction of this separately elected model is that it would result in symmetry between arrangements in the UK’s four historic nations. Each would have its own legislature and executive responsible for devolved issues. The model would hence address the core claim made by English Parliament supporters, that existing territorial arrangements are unfair to England. By providing for an English government as well as a parliament it would offer England a clear ‘voice’ of its own, not only in the legislature but also in intergovernmental forums – allowing English ministers to negotiate with their counterparts from other areas of the UK.

The Campaign for an English Parliament (CEP) puts particularly heavy emphasis on these arguments, and hence calls for a separately elected institution. In terms of the details of its proposed model, some of the clearest demands are for England to have ‘its own Executive’ (Campaign for an English Parliament 2013) and for an English Parliament’s powers to be ‘at least as great as Scotland’s’ (Campaign for an English Parliament 2017a). Generally, however, the group’s campaigning has been marked by a distinct lack of detail about the model that it propounds. In interview with the authors senior members suggested that this was a deliberate strategy – as one Campaign leader put it, there has been a general sentiment of ‘get there first, come to the details later’. This reflects the belief that it may be easier to gather support for a general principle than to propose too many specifics – not least because arguing about thorny

questions such as the size, location or electoral system for an English Parliament might split supporters.

Other advocates of the separately elected model have outlined a variety of different visions. Some explicitly propose an institution that would be located away from the Westminster parliament (e.g. Davis 2014, Dennison 2014, Ormond 1999). For example Billy Bragg (2000) has claimed that '[e]veryone agrees that too much power is already centralised in London and the south', suggesting that an English Parliament should be used to rebalance power away from these areas. In contrast, some proponents suggest that the new English Parliament and the UK parliament should find a way to share the Palace of Westminster (e.g. Field 2014, 2017, Gorman 1999, Salisbury 2015, UKIP 2017). The Constitution Reform Group (2015: 20), headed by Lord (Robert) Salisbury, suggested that 'in terms of ease of transition in many practical ways', this arrangement 'has attractions'. Advocates of this kind of approach support abolition of one of the existing chambers at Westminster, to enable a new body to be established without additional costs.

Although several different visions for a separately elected English Parliament have been presented, no existing proposal comes close to a detailed blueprint. Many of the proposals have been outlined only in short interventions such as newspaper articles, blog posts or lines in election manifestos. While some pamphlets have been published on the issue (Gorman 1999, Ormond 1999), these have again focused largely on the principled case for an English Parliament rather than the specifics. Many important questions arising from the model have therefore been largely overlooked. These include the major potential implications of a new separately elected English Parliament for the UK's existing central institutions (discussed in chapter 10 of this report), the possible structure, size and electoral system for such a body (see chapters 11 and 12), and the practical and symbolic implications of different possible locations (see chapter 13).

A fundamental unresolved question about this model relates to the consequences of a separately elected English Parliament for the territorial stability of the UK. As we saw in the previous chapter, Unionist critics of the model believe that it could be seriously destabilising, while English Parliament supporters suggest that it would instead help to hold the Union together. We return to this point in various places throughout the report.

The dual mandate model

The main rival vision to the separately elected model would involve existing members of the UK House of Commons who sit for English constituencies meeting as the English Parliament at certain times, while also continuing to sit in the UK parliament. This would build on the 2015 English votes for English laws (EVEL) procedures by completely excluding MPs representing Scottish, Welsh and Northern Irish constituencies from any role in English business. This model would therefore implement the change that finds most widespread support in opinion polls on the English question (as outlined in the previous chapter). It would be consistent with many pre-

2015 proposals for EVEL – for example, the 2005 Conservative manifesto proposed that ‘exclusively English matters should be decided in Westminster without the votes of MPs sitting for Scottish constituencies’ (Conservative Party 2005: 22). However, as explored below and later in the report, it would need to go further. We refer to this as the dual mandate model for an English Parliament.

Establishment of a new, separately elected English Parliament would clearly require very active decision-making and considerable upheaval. In contrast, the main selling point for the dual mandate model is that it could be seen as a natural next step from the current EVEL procedures, providing a strong degree of continuity. This appears consistent with the piecemeal and pragmatic way in which the British constitution has often developed, notably regarding Westminster’s responses to pressures for devolution. Proponents suggest that change might be achieved relatively straightforwardly, and the incremental approach makes this model appear – if anything – the more likely to be implemented in the short term. The dual mandate model would clearly deal with the key grievance from English Parliament supporters regarding the voting rights of non-English MPs. Nonetheless, the Campaign for an English Parliament (2017c) dismisses it as ‘English Parliament lite’, because it would still not provide equity with the other devolved areas of the UK. The English Democrats are likewise opposed to the dual mandate model – a senior party figure describing it to us in interview as ‘unworkable’ – while other supporters of a separately elected body have described it as ‘a recipe for confusion and disaffection’ (Copus 2018).

The dual mandate model has been championed particularly by English Parliament supporters from the right of politics. The most high profile proponent has been John Redwood (2006), who argues that the model would prevent MPs representing non-English constituencies from voting on English matters, while avoiding ‘enormous cost to the taxpayer’. He has provided little further detail, aside from envisaging the English Parliament meeting ‘at times when the Union parliament is not meeting’ (Redwood 2015) and having powers equivalent to those of the Scottish Parliament (Redwood 2014a, 2014d). Other advocates of the model have included voices from the free-market Adam Smith Institute think tank (Clougherty 2007, Pirie 2016), the journalist Simon Heffer (2008, 2014), and Conservative MP Andrew Rosindell.¹⁶ It also appeared in UKIP’s 2010 manifesto (UKIP 2010).

A major area in which the dual mandate model remains underdeveloped relates to executive arrangements (discussed in chapter 8), which proponents have said relatively little about. As delineated by Welsh Conservative AM David Melding (2009), this model would make an English government unnecessary, as the UK government would continue performing a dual role as the executive for both the UK and England.¹⁷ A key supporter of the model that we interviewed also held to this view. Nonetheless some dual mandate advocates (e.g. Clougherty 2007, Heffer 2008) have suggested that there could be an English First Minister and cabinet. In this report we focus largely on the variant with no separate English government, as the version of the dual mandate model supported by its main proponents.

The possibility of having an English Parliament but no separate English government raises some big questions that supporters have left unaddressed. These result, in particular, from the potential for a UK government to be formed that does not enjoy a majority in the English Parliament – what Vernon Bogdanor (2014) has called ‘bifurcation’ when arguing against EVEL. Other important unanswered questions about this model include how financial arrangements would work (discussed in chapter 7), what roles such a body would have beyond consideration of legislation and the extent to which it could share facilities and functions with the House of Commons (discussed in chapter 9), plus its relationship with the House of Lords (see chapter 11). Despite its apparent incrementalism, there are also questions about the dual mandate model’s implications for the UK’s central institutions (see chapter 10) and for the future of the Union – just as there are with the separately elected model.

Other models

Most proposals for an English Parliament can be placed within the separately elected or dual mandate categories. There are other possibilities, however, which merit brief consideration. One is that an English Parliament might be separate from the UK parliament but be indirectly rather than directly elected, with the members drawn from local and/or regional tiers of government. This proposal is extremely embryonic, but has recently gained support from some Labour figures. In practice it is hard to see how such an institution could be established without wider reform of English constitutional arrangements to create more powerful sub-national bodies. It is also difficult to envisage this kind of indirectly-elected body being handed the range of policy powers that a separately elected or dual mandate English Parliament would be likely to receive (see chapter 6). This model would therefore clearly fall well short of English Parliament supporters’ demands for equity. It is at present so underdeveloped, and difficult to envisage, that we do not discuss it further in this report.

Another possibility is for an English Parliament to be established not in a continuing UK, as most of the proponents above assume, but in an independent England. English independence has few elite advocates and there is not so far any evidence that it commands significant public support (Jeffery et al. 2014). Nonetheless, senior individuals within both the CEP and the English Democrats have in recent years begun to float the possibility (BBC News 2014a, Cullen 2016), and it is not inconceivable that an independent England could eventually be arrived at as a result of developments elsewhere in the UK. Our focus in this report is solely on the possibilities for an English Parliament in a continuing UK.

Conclusion

The two models for an English Parliament that command the most support and which have been developed furthest by proponents are, on the one hand, creation of a new body directly elected by voters in England (what we call the ‘separately elected’ model) or, on the other, for a body made up of existing MPs sitting for English constituencies (the ‘dual mandate’ model).

Hence just as during the 19th-century home rule debates (see chapter 2), the two primary alternatives remain creation of a separate body beyond the existing Westminster institutions, or accommodating demands for change somehow within parliament itself.

While recognising other possibilities we focus on these two alternatives in the remainder of the report. The separately elected model would most clearly meet the goals set by proponents, but would require major constitutional upheaval, and active decision-making about the UK's territorial future. The dual mandate model, in contrast, might appear more likely to be implemented given its apparently incremental character, which would build upon the existing system of English votes for English laws. However, it falls short of some of the key objectives held by supporters of an English Parliament.

These two models are very different from each other in various important respects, but are united by the fact that their proponents have rarely elaborated them in detail, and some significant factors have been almost entirely overlooked. On some of the questions that the report considers, for example executive arrangements, electoral system, and location, the two models have very different implications. These differences are drawn out in Parts 2 and 3.

5. UK and overseas experience

The subsequent chapters in this report all begin with sections summarising, respectively, relevant experience from the UK's devolved institutions, and from overseas. The broad UK and international context for debates about the possibility of an English Parliament is hence set out in this chapter, as background to those sections and to the report as a whole. The discussion of UK experience below outlines the broad development of territorial arrangements. The section on overseas experience includes some brief reflections on the nature of decentralised states, then introduces the 10 overseas systems used as comparators throughout the report and draws some initial comparisons between them and the UK. The context of both current and historic federations – as argued by Bogdanor (2010, 2015) and others – confirms that an arrangement of the four historic nations of the UK would be unusually imbalanced.

UK experience

The UK emerged from unions between its previously autonomous components, the last of which took effect in 1801 (Bogdanor 1999). Subsequently each of the UK's nations returned MPs to the House of Commons based at Westminster and none had a legislature of its own. As discussed in chapter 2, pressures for devolution can be traced to the 19th and early 20th-century debates about 'home rule'. Legislation to establish an Irish 'home rule' parliament was eventually enacted in 1914, but not implemented before Ireland's partition in 1921. While most of the island of Ireland became independent, Northern Ireland remained part of the UK and a new devolved legislature was established at Stormont, which met until its suspension during the Troubles in 1972. No equivalent institutions for other parts of the Union existed, but there was increasing recognition of Scotland and Wales at UK governmental and parliamentary level. Scotland's arrangements had deepest roots, given that nation's retention of distinct legal and educational systems; a Scottish Office and Scottish Secretary existed continuously from 1885. Equivalent institutions for Wales were put in place in 1964, and for Northern Ireland following the suspension of Stormont in 1972. There were also territorial committees of different kinds for all three areas in the House of Commons.

Despite this, pressure for devolved legislatures in Scotland and Wales increased from the 1960s onwards. As indicated in chapter 2, Labour's proposals for assemblies failed in the 1970s, but support grew over the following decades. The Labour government elected in 1997 proceeded quickly with holding referendums which secured majority support for new elected institutions in both areas. Another referendum agreed re-establishment of devolved institutions in Northern Ireland following the Good Friday Agreement. The first elections for the Northern Ireland Assembly were in 1998, and those for the Scottish Parliament and National Assembly for Wales took place in 1999.

While the creation of these new bodies took place in parallel, it did not represent any overall plan to reform the UK's territorial constitution along more federal lines. There was no overarching devolution statute, with each body instead legislated for separately. Important differences existed in the detail of their design, as indicated in later chapters of this report. These new arrangements reflected differing political contexts, as well as divergence in the previous 'administrative devolution' systems (Jeffery and Wincott 2006). This resulted in a manifestly 'asymmetrical' settlement, described by some as 'Labour's strange constitutional design' (Ward 2000), and by others as 'unstable and even rickety' (King 2007: 354). Since the 1990s the three systems have continued to develop separately, with changes from the original settlements resulting from pragmatic responses to pressures from within each territory rather than any overall review of UK arrangements. In Scotland change has been driven largely by nationalist pressure for increased policy and financial powers, especially since the election of a Scottish National Party government in 2007. Reforms to Welsh devolution have instead been driven mostly by dissatisfaction with the practical operation of the original model. In Northern Ireland, meanwhile, institutional changes have tended to result from developments in the continuing peace process. Devolution in Northern Ireland has often been unstable, and at the time of writing no Executive has been in place since January 2017.

Despite the important differences between the devolution arrangements in Northern Ireland, Scotland and Wales, the greatest asymmetry in the UK's post-1990s territorial arrangements is that between the devolved territories and England. Policy powers that are devolved elsewhere have continued to be exercised by the UK parliament and government for England alone. This has raised two separate 'English questions' (Hazell 2006c, Hazell and Sandford 2015). One relates to devolution *within* England, which could be solved by establishment of new sub-national institutions. The introduction of elected regional assemblies – albeit with more limited powers than the devolved legislatures in Scotland, Wales and Northern Ireland – was Labour government policy post-1997 (Labour Party 1997). Progress was slow, and the policy was abandoned after a referendum to establish the first such assembly in the North East resulted in a landslide 'No' vote (Hazell 2006c). Subsequently the coalition and Conservative governments have overseen significant decentralisation to 'city-regions' in some parts of England, but their powers fall far short of those of the devolved legislatures. The second English question, with which we are more concerned in this report, concerns devolution *to* England as a whole, and the correct forum for dealing with England-wide issues. This 'English question' has often been discussed interchangeably with the so-called 'West Lothian question' (see chapter 2). Under Labour the latter became contentious at times, including when controversial legislation that applied only in England – introducing foundation hospitals and university tuition fees – was passed despite being opposed by a majority of English MPs (Gover and Kenny 2016). Such instances helped to fuel claims of English grievance, but Labour showed little interest in addressing the anomaly. In contrast English votes for English laws (EVEL) became Conservative policy from 2001, and was eventually implemented in 2015.

As already indicated, the version of EVEL that was introduced was relatively weak, providing for a ‘double veto’ system, under which legislation certified by the House of Commons Speaker as England-only (or England-and-Wales-only) now requires the support of both the whole House of Commons and MPs from the area(s) to which the legislation applies (see Gover and Kenny 2016). It is not yet clear whether these procedures will prove to be a sustainable solution. They secured no support at all from opposition MPs at the time of their introduction, raising questions about whether they would survive a change in the party of government (Kenny 2017). Notably, English MPs have no power of initiative, while the ‘double veto’ means that England-only legislation can still be blocked by the House of Commons as a whole, even where a majority of English MPs are in favour. Were this to happen it would be highly controversial and could lead to calls to completely exclude Scottish, Welsh and Northern Irish MPs from debates and votes on English business.

Overseas experience

Overseas experience offers important insights and precedents for many of the issues that would arise in establishing an English Parliament. A starting point in these considerations is provided by the patterns of decentralisation existing in many other states around the world. The categorisation of political systems as ‘federal’ or ‘unitary’ is a classic distinction in the comparative academic literature on political institutions. The Forum of Federations estimates that there are ‘are roughly 25 federal countries in the world today, which together represent 40 per cent of the world’s population’.¹⁸ Many other states do not meet the formal definition of federalism, but nonetheless include a significant degree of decentralisation. Some of these are referred to as being ‘quasi-federal’ (Wheare 1963) – a label that has often been applied to the UK as it has developed since the late 1990s (e.g. Bogdanor 2003, Hazell and Sinclair 1999). The multiplicity of arrangements in different countries around the world can make it difficult to find common nomenclature to describe arrangements. Throughout this report, when talking about international comparators, we refer to the two principal tiers of government as the ‘central level’ and the ‘sub-state level’ respectively – though in some cases, such as the US, the latter are known as ‘states’, while in some they carry a different name, such as Canada’s ‘provinces’.

The precise requirements for a country to be categorised as federal are contested.¹⁹ However, there is general agreement that federalism involves a constitutional relationship between levels of government under which no level can be abolished by another through ordinary legislation. Typical features of federations also include the availability of significant policy powers to the sub-state level, equality of status between sub-state units, representation of these units at the central level (often through the second chamber of the central legislature, as described in chapter 10) and machinery for arbitration on relations between the central and sub-state level. Federal states historically tended to be formed through the union of previously independent or highly autonomous systems. Academics refer to these as ‘coming together’ federations (Stepan 1991). More recent federations have tended to instead emerge as a result of decentralisation processes in previously unitary states. These are referred to as ‘holding together’ federations, reflecting the

fact that decentralisation has often taken place in response to demands for greater sub-state autonomy (Ibid.).

In chapter 3 we noted that the experience of former federations with a dominant unit has been cited by opponents of an English Parliament, to argue that a federal UK with England as one of its component parts would be unstable. In population terms England would in fact be more dominant than any unit of the three former federations cited by Bogdanor (2015) – the USSR (where Russia included approximately half the overall population), Czechoslovakia (where the Czech Republic included approximately two-thirds) or Yugoslavia (where Serbia included approximately one-third) (Cox and Frankland 1995, Hough 1997, Jeffries 2002). It would also exceed the population dominance of another example frequently cited, of Prussia (e.g. Hazell 2006a) – which included around three-fifths of the population of imperial Germany (Weichlein 2011). However, in all these cases the dominance of a single unit had various aspects, going beyond population size, and various other important factors contributed to their dissolution. Each was also an authoritarian system for significant periods, which severely limits comparison with the contemporary UK. Among current federations it remains common for sub-state units to be of significantly differing size. The archetypal example is the US, which includes states with populations ranging from 39 million (California) to 500,000 (Wyoming). Extreme variations also exist, for example, in Australia, Canada and Germany. Nonetheless, with almost 85% of the UK’s overall population, England’s size would make a decentralised UK comprising the four historic nations uniquely unbalanced in comparative perspective.²⁰

Table 5.1: Comparator countries discussed in the report

Country	Federal or unitary	‘Coming together’ or ‘holding together’
Australia	Federal	Coming together
Austria	Federal	Coming together
Belgium	Federal	Holding together
Canada	Federal	Coming together
France	Unitary	n/a
Germany	Federal	Coming together
India	Federal	Holding together
Italy	Unitary	n/a
Spain	Disputed*	Holding together
United States	Federal	Coming together

* Spain is often classified as federal (Agranoff and Gallarín 1997, Colino 2009). However, this term is controversial in Spain (Gunther, Montero and Botella 2004) and some academics continue to argue that it fails to meet the definition (see Law 2013).

Each chapter in Parts 2 and 3 of this report draws on relevant experience from 10 overseas comparator countries, and we list these in Table 5.1. They were selected to include a mix of federal and non-federal systems and a variety of different models within these categories. Among

federal states, we include examples of both ‘coming together’ and ‘holding together’ federations. We also consider some non-federal states from among the larger countries in Western Europe, because there is no certainty that the UK would meet the formal definition of federalism even following the establishment of an English Parliament. These include differing degrees of decentralisation, with France considered highly centralised (notwithstanding its regional structures). We do not claim that the comparator countries are a comprehensive group of those from which insights might be gained, but they provide useful illustration. However, it is important to point out that none of them demonstrates anything similar to the arrangements envisaged by proponents of a dual mandate English Parliament. We are not aware of any current example of this anywhere in the world (though a form of dual mandate operated in Belgium from 1981 to 1993, as discussed briefly in chapter 8).

Table 5.2: Number and relative size of sub-state units in comparator countries

Country	Total population	Sub-state units*	Largest sub-state unit	Population of largest sub-state unit	Pop. of largest sub-state unit as proportion of pop. of federation (%)
Australia	24,128,876	6 states	New South Wales	7,726,924	32
Austria	8,772,865	9 <i>Länder</i>	Vienna	1,867,582	21
Belgium	11,322,088	3 regions & 3 linguistic communities**	Flanders	6,516,011	58
Canada	36,286,425	10 provinces	Ontario	13,982,984	39
France	64,027,784	18 regions	Île-de-France	12,027,565	19
Germany	82,175,684	16 <i>Länder</i>	North Rhine-Westphalia	17,865,516	22
India	1,210,854,977	29 states	Uttar Pradesh	199,812,341	17
Italy	60,589,445	20 regions	Lombardy	10,019,166	17
Spain	46,557,008	17 autonomous communities	Andalusia	8,388,107	18
United States	323,127,513	50 states	California	39,250,017	12

Source: Population data from latest estimates on www.citypopulation.de, accessed 5 October 2017.

* Several of these states also include (often very small) units with a different relationship with the central state to that of the principal sub-state units. Examples include the Australian territories and Spain’s autonomous city states of Ceuta and Melilla. These are not included here or elsewhere in this report.

** For the purposes of the analysis in this table only the regions are included.

Table 5.2 provides information about the component parts of the 10 comparator systems. It shows that there is considerable variation in the number of parts: at one end of the spectrum the United States has 50, at the other Australia has six and Belgium (if counting only regions, not linguistic communities) has three. As already mentioned, units are often of considerably different

population size. The most dominant sub-state unit in these terms is Flanders, in Belgium, at 58% of total population. New South Wales in Australia accounts for only 32% of the population, and California in the US for only 12%.

Conclusion

A key evidence base for considering the questions addressed in this report is existing UK and overseas experience. Both the functioning of the existing devolved institutions in Scotland, Wales and Northern Ireland, and the systems of decentralisation in other countries, can offer useful guidance for how the powers, functions, structure and composition of an English Parliament might operate. They also hold important lessons for overall UK constitutional arrangements, should such an institution to be established. These examples significantly inform our analysis in Parts 2 and 3 of the report. A necessary conclusion from overseas experience is, however, that England's size relative to the UK would set such an arrangement apart from those in other decentralised countries. It cannot be definitively concluded that a dominant unit would destabilise arrangements in a future UK devolved system – the historic comparators often cited are very different to the contemporary UK. However, there is no similar precedent on which we can draw in terms of stable decentralised systems. Another factor which makes the UK unusual in contemporary terms is the relatively piecemeal way in which devolution developed – with no overarching statute, and different (and developing) settlements in the three devolved areas, but no parallel arrangements for the nation's largest component part. These features will be explored further in the remainder of the report.

Part 2: Powers and functions

6. The policy powers of an English Parliament

The starting point for considering the institutional design of an English Parliament is what policy powers such a body would have. This is something that proponents have expressed views about, though the consequences of their suggestions have never been fully worked through. This chapter considers how the English Parliament's policy powers might be defined and what they would be likely to be. We conclude that such a body would almost certainly have legislative responsibility for areas like health, education and local government that are already devolved to all three existing devolved legislatures. However, more difficult questions are raised by powers devolved to the Scottish Parliament and/or Northern Ireland Assembly but not the National Assembly for Wales, such as policing, justice and some welfare powers. In many of these cases devolution to an English Parliament would meet significant practical obstacles. The Brexit process also creates uncertainty about the nature of an English Parliament's policy powers in areas where powers are currently exercised largely at EU level, such as agriculture and fisheries.

Existing UK experience

The existing devolved legislatures were each set up following separate processes, and with only limited concern for the coherence of the overall UK settlement. From their establishment the three bodies have therefore had distinct policy powers (Hazell 2000). The Scottish Parliament immediately gained primary legislative powers in a wide range of areas, including health and education. The Northern Ireland Assembly also had primary legislative powers from the outset, but differing from those in Scotland – most notably by including social security and employment policy, but excluding justice and policing. The National Assembly for Wales, meanwhile, initially had only secondary legislative powers in a limited number of areas. None of the devolved legislatures had significant financial powers at this stage, with only the Scottish Parliament granted a limited ability to vary income tax rates by up to 3p in the pound (Bogdanor 1999).

To add to the variation there were three different ways of defining powers (Hazell and O'Leary 1999). A 'reserved powers' model was followed in Scotland, meaning powers were devolved unless included in a list of reservations, covering matters such as the constitution, foreign affairs and defence. In contrast, the Welsh settlement followed a 'conferred powers' model, with areas in which secondary legislative powers could be transferred to the new Assembly listed in the legislation, and subsequent formal transfers of powers then occurring through statutory instrument. In Northern Ireland there were categories of excepted matters for which the UK government retained responsibility, and reserved matters on which the Assembly could legislate with the Secretary of State's consent; powers not included in either category were devolved.²¹ Formally, to preserve the tradition of parliamentary sovereignty, the Westminster parliament

retained the ability to legislate on any devolved matter; however under the ‘Sewel convention’ it normally only does so with the express consent of the relevant devolved institution(s).

Table 6.1: Powers of existing UK devolved legislatures

	Scottish Parliament	National Assembly for Wales	Northern Ireland Assembly
Agriculture, fisheries and food	✓*	✓*	✓*
Constitution	✗	✗	✗
Culture, media and sport	✓/✗	✓/✗	✓/✗
Defence	✗	✗	✗
Education	✓	✓	✓
Employment	✓/✗	✓/✗	✓/✗
Energy	✓*/✗	✓*/✗	✓*/✗
Environment	✓*	✓*	✓*
Foreign affairs	✗	✗	✗
Health and social services	✓	✓	✓
Housing and planning	✓	✓	✓
Immigration	✗	✗	✗
International development	✗	✗	✗
Local government	✓	✓	✓
Monetary policy	✗	✗	✗
National security	✗	✗	✗
Policing and justice	✓	✗	✓
Research funding	✗	✗	✗
Social security	✓/✗	✗	✓
Taxation	✓/✗	✓/✗	✗
Trade and industry	✓/✗	✓/✗	✓/✗
Transport	✓/✗	✓/✗	✓/✗

Key: ✓ = devolved; ✗ = reserved, ✗/✓ = some powers devolved and others reserved; ✓* = devolved but decisions currently taken primarily at EU level.

Note: This table should not be taken as comprehensive. Some exceptions are not reflected.

Over time the policy powers of all three legislatures have increased. Current powers are summarised in Table 6.1. In Scotland a significant change has been the accrual of greater fiscal powers under the Scotland Acts 2012 and 2016 (see chapter 7). Other powers have also been devolved or will be devolved in the near future, including some aspects of social security (McHarg 2016). The National Assembly for Wales gained primary legislative powers following a referendum in 2011, and further powers under the Wales Acts 2014 and 2017 (BBC News 2014b, 2017, Wyn Jones and Scully 2012). The Assembly’s powers still fall short of the Scottish Parliament’s, however – not covering policing, justice or social security – and its fiscal powers are much more limited. As well as changes to competences, the most recent Wales Act will move the Assembly to a reserved powers model. Change has been less in Northern Ireland, but justice and policing were devolved in 2010 and air passenger duty on long-haul flights in 2013; corporation tax devolution is planned (BBC News 2010, Northern Ireland Office 2014, Trench 2013a). Notably in some policy areas – e.g. agriculture, energy and environment – powers are formally devolved to all three legislatures but have until now operated within frameworks set at EU level.

Overseas experience

Table 6.2 provides information about the constitutional division of policy powers in our comparator countries. Many countries, such as Australia and the US, adhere to something like a UK ‘reserved powers’ model, where the constitution lists powers reserved to the central state and remaining, or ‘residual’, powers are available to the sub-state units. Others, such as Canada and India, use something more like the ‘conferred powers’ model originally used in Wales, with residual powers falling to the centre. A particularly notable feature is that ‘concurrent’ powers, available to both levels, also occur in many of the systems that we examined; if central and sub-state level legislation conflicts on such matters, the central level law often takes precedence. In some countries, such as Germany, many powers are ‘shared’, with the central level passing broad ‘framework’ legislation and the sub-state level left to fill in the detail. This type of relationship is associated with what academics describe as ‘co-operative federalism’ (Elazar 1962). UK devolution did not develop in this way. Instead areas such as health and education are almost entirely devolved, leaving the UK parliament legislating in these areas only for England. In this respect existing UK arrangements are closer to what academics call ‘dual federalism’, where central and sub-state governments operate separately from one another (Ibid.).

The current asymmetry between the policy powers of the UK’s component parts is relatively unusual. Of our comparators only Belgium, Canada, Italy and Spain have significant differences between the policy powers of their sub-state units. In Belgium this results from presence of both regions and linguistic communities, with different responsibilities (Deschouwer 2005). Likewise in Italy there is a combination of ‘ordinary’ regions and ‘special’ regions, with the latter having greater powers (Newell 2010). In Spain, meanwhile, policy powers have become more symmetrical in recent decades, as many powers initially available only to the ‘historic nationalities’ have now also been devolved to the other autonomous communities (Gunther, Montero and Botella 2004).²² The most important differences that remain relate to specific cultural and linguistic powers, policing, and the fact that the Basque Country and its neighbour, Navarre, continue to have different financial arrangements from the rest of Spain. In Canada there is symmetry between all of the provinces except Quebec, which has greater powers than other provinces on some matters (Watts 1999).

In terms of the types of policy powers devolved, Table 6.2 helps to illustrate how UK arrangements hand greater legislative powers to the sub-state units than many other systems. Elsewhere legislative powers with respect to areas such as health and education are often shared between levels. However, in the UK they are entirely devolved (leaving Westminster legislating only for England). Many of the powers reserved to the centre under the Scotland, Wales and Northern Ireland Acts – for example the currency, defence and foreign affairs – are also reserved in other major federal and decentralised states. There are nonetheless also some powers which are reserved to the centre in the UK but at least partially devolved elsewhere. A notable example of this is that the Canadian provinces have some involvement in setting region-specific immigration policies (Knopff and Sayers 2005).

Table 6.2: Division of policy powers in comparator countries

Country	Central level policy powers	Sub-state level policy powers	Notes
Australia	Listed in Constitution, e.g. currency, defence, foreign affairs, immigration, international trade, social security.	Residual powers, e.g. commerce and industry, education, emergency services, environmental protection, health, housing, transport.	Central level has gradually assumed more responsibility in formally sub-state policy areas. Financial control an important reason for this.
Austria	Listed in Constitution, e.g., civil and criminal law, defence, foreign affairs, immigration, transport. Areas where central level is responsible for legislation and the <i>Länder</i> for administration also listed, e.g., education, housing, nationality, social security.	Residual powers in principle available, but are very few. Includes some powers relating to cultural institutions, local planning, local policing.	One of the most centralised federations in the world. However, there is a very strong tradition of co-operation between the central level and the states.
Belgium	Residual powers, e.g. defence, foreign affairs (except matters falling within regional and community competences), judiciary, railways, national security, some aspects of social security.	Regional powers listed in ‘special laws’ and linguistic community powers in the Constitution. Generally regions have territorially contained powers (e.g. housing, public works, transport), communities those related to individual (e.g. education, health). Both have power to make international treaties relating to matters within their competences.	Limited co-operation between levels as federation designed to avoid the need to find common solutions for all communities.
Canada	Listed in Constitution Act, e.g. currency, defence, social security. Concurrent powers also listed, e.g. agriculture, immigration, pensions.	Listed in Constitution Act, e.g. health, education, public works. Concurrent powers also available, but central law takes precedence.	As a result of central government’s ability to raise more revenue than the provinces, it has frequently used its spending power in areas of provincial jurisdiction. Quebec has some powers not held by other provinces.
France	All primary legislative powers.	Central statutes allocate regions administrative responsibilities relating to e.g. culture, education and transport.	Reforms in 2015 increased responsibilities of regions, but they still have no primary legislative powers.
Germany	Listed in Basic Law (constitution), e.g. defence, foreign affairs, immigration, international trade, monetary system, nationality, nuclear energy. Concurrent responsibilities also listed, e.g. agriculture, health, justice, social security, transport.	Residual powers, e.g. education, local government policing, universities. Concurrent powers also available in principle, but once central legislation has been passed these are no longer available to the <i>Länder</i> .	In practice much of the work of the <i>Länder</i> relates to implementation of central laws. There are numerous bodies established to facilitate joint working between the two levels.

India	Residual powers, e.g. citizenship, defence, foreign affairs, international trade, railways. Concurrent powers listed in the Constitution also available, e.g. civil law, criminal law, education, social security.	Listed in Constitution, e.g. agriculture, health, land policy, local government, police, prisons. Concurrent powers also available, but central law takes precedence. There are special provisions for Kashmir, Nagaland and Meghalaya.	The Constitution includes provision for transfers of powers from states to the central government in the case of emergency or otherwise by two-thirds majority where in the 'national interest'.
Italy	Listed in Constitution, e.g. citizenship, civil law, criminal law, currency, defence, foreign affairs, immigration, public order, social security. Concurrent powers are also listed, e.g. education, health, planning, transport.	Residual powers, e.g. agriculture, housing, tourism. Concurrent powers are also available, though exercised within central frameworks. Five 'special' regions have powers set out in autonomy statutes.	The main difference between the 'ordinary' and 'special' regions is that the statutes establishing the 'special' regions have constitutional status, though there are also some differences in powers.
Spain	Listed in Constitution, e.g. defence, foreign affairs, justice, immigration, international trade. Social security is a concurrent power. Residual powers are also available.	Each autonomous community has its own 'statute of autonomy' setting out powers. What these may include is listed in the Constitution, e.g. agriculture, health, housing, local government, planning, police. In practice most regions have similar powers to each other, though there is some variation.	Catalonia and the Basque Country originally had greater powers than the other autonomous communities, but these differences have now been largely eliminated. The Constitution allows for the Spanish state to suspend the powers of an autonomous community. These powers are currently being used in relation to Catalonia.
United States	Listed in Constitution, e.g. citizenship, currency, defence, foreign affairs, immigration, international trade. Concurrent powers are also specified, e.g. courts, roadbuilding.	Residual powers, e.g. education, housing. Plus powers listed in the Constitution, e.g. health, local government. Concurrent powers are also available, but central law takes precedence.	The 'grant-in-aid' system means that in practice the central level has exercised considerable influence over areas that are formally state responsibilities such as education and health.

Sources: Relevant constitutions, available at <https://www.constituteproject.org/>, accessed 27 October 2017; Palermo and Kössler (2017). In addition: Australia – Saunders (2005); Austria – Gamper (2006); Belgium – Deschouwer (2005), Goossens and Cannoot (2015); Canada – Knopff and Sayers (2005); France – Cole (2017); Germany – Kramer (2005); India – Majeed (2005); Italy – Arabia (2014), Newell (2010); Spain – Gunther and Montero (2009), Gunther, Montero and Botella (2004); United States – Tarr (2005).

What English Parliament supporters have said

Our review of existing proposals found broad agreement among proponents of an English Parliament that such a body should have similar policy functions to those currently held by the Scottish Parliament. The Campaign for an English Parliament (CEP) states this demand prominently on its website:

We campaign for an English Parliament with powers at least as great as those of Scotland's, i.e. a Parliament and Executive (Government) that can make Acts (primary legislation) on the same domestic issues (e.g. health, welfare & education) that are devolved to the Scottish Parliament (Campaign for an English Parliament 2017a).

John Redwood (2014a), the most prominent supporter of the dual mandate model, has also suggested that the policy powers of the English Parliament should mirror those of the Scottish Parliament. Writing in the immediate aftermath of the 2014 Scottish independence referendum, he said that '[a]s we now seek to put into legislation what Gordon Brown called Home Rule for Scotland we must do the same for England'. Other politicians who have advocated an English Parliament with equivalent powers to the Scottish Parliament include David Davis (2014), Frank Field (2014) and Paul Nuttall (2011). Responses to our public consultation from supporters of an English Parliament also generally proposed that any such body should have similar powers to the Scottish Parliament. Those deviating from this consensus tended to argue that the English Parliament should be responsible for all domestic policy and therefore have *greater* powers than the Scottish Parliament. Many respondents suggested that, alongside the establishment of an English Parliament with powers similar to or greater than the Scottish Parliament, the National Assembly for Wales and Northern Ireland Assembly should also be given the same powers.

That supporters of an English Parliament should demand equivalent powers to the Scottish Parliament is unsurprising given their emphasis on the need to restore equity between the four nations of the UK. It is possible to imagine a settlement conferring powers on an English Parliament that were less than those of the Scottish Parliament, but this would add even further complexity to an already complicated devolution settlement – creating an elaborate patchwork of different policy competencies, with the Westminster parliament retaining different powers in different geographic areas. It could also leave specific grievances of proponents unresolved, in particular the continued ability of MPs representing non-English constituencies to vote on England-only matters at Westminster.

How and where would the policy powers of an English Parliament be defined?

In determining which policy powers should be devolved to the English Parliament one possibility would be to follow the subsidiarity principle (Peterson 1994). By this logic the powers of the new institution would be those deemed to be most efficiently exercised by it, rather than

by the UK parliament or by local government institutions. This would require making in principle decisions about the level at which each group of powers could best be exercised. The difficulty with such an approach is that it could open up questions about the allocation of powers to the existing UK devolved institutions, which would be controversial. If designing from the outset a new devolution settlement including an English Parliament, the UK might perhaps have adopted a different type of system, for example a German-style shared powers model, enabling the centre to retain involvement in matters such as health and education.

In practice the existence of the bodies in Scotland, Wales and Northern Ireland, and the politics that have built up around them, would now make this very difficult. There would hence be pressure (and this would be in line with UK precedent) for a more pragmatic approach to be taken. In this way decisions on which legislative powers should be granted to an English Parliament would be informed principally by the existing powers of the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly. In drawing out the English Parliament's likely policy powers this chapter hence starts from the powers of the existing devolved legislatures rather than from principled considerations. However, as we point out, this could lead to difficulties.

In terms of where powers are defined, in decentralised states the distribution of powers is often set out in the constitution. In some cases the constitution delegates the allocation of powers to other legal mechanisms, for example the statutes of autonomy that act as effective constitutions for the Spanish autonomous communities and Italian 'special' regions. In the absence of a written constitution either of these options would clearly be impossible in the UK.

It could theoretically be possible to establish a dual mandate English Parliament through changes to the Westminster parliament's standing orders. However, this seems highly improbable – when English votes for English laws (EVEL) were introduced via such a change this proved controversial. The resultant standing orders were criticised for their length and lack of clarity, and the change achieved no cross-party support – with the only votes in favour coming from Conservative MPs (Gover and Kenny 2016). A dual mandate English Parliament would be presented by its supporters as an incremental next step, but using such a route to establish a substantially different body within Westminster would be highly contested. Conferral of some powers would anyway almost certainly require statute.

Hence it is very likely that, whichever model is chosen, Westminster would need to pass legislation to define an English Parliament's powers. If following a principled approach this could be an opportunity for a unified devolution statute, specifying arrangements for 'devolution all round' (and dealing with implications for the centre, as discussed in chapter 10). This would clearly require discussion and negotiation beyond England. A more pragmatic approach, based on the precedents from Scotland, Wales and Northern Ireland, would instead rely on an 'England Act'. This would include a schedule listing powers reserved to the UK parliament, with those powers not listed automatically devolved, and would allow Westminster to retain a formal right to legislate on devolved matters – which by convention it would not normally do without

the consent of the English Parliament. In line with this, a system of legislative consent motions (LCMs) would probably need to be developed for the English Parliament, equivalent to those for the existing devolved legislatures, to signal consent where the UK parliament wishes to legislate on devolved matters (Trench 2016). There is no legal requirement for an LCM to be passed by the devolved legislatures in such circumstances, but an expectation has developed that one should be.

In practice, if such an approach were followed, the need for any legislative consent motions would probably reduce following establishment of an English Parliament, as many key competencies would be universally devolved. There would hence be less reason for the UK parliament to legislate on such matters. However, this would remove key policy levers from the UK government, and result in a quite fragmented system. There would probably still remain occasions where there were strong practical grounds for proceeding with UK-wide legislation rather than introducing separate bills to the UK and English parliaments – for example in areas such as transport where there is a complex mix of competencies, meaning the minority of provisions of a mostly UK-wide bill might relate to devolved matters. In other fields where the four UK nations wanted to proceed in similar ways, legislating through Westminster might also prove convenient. But such developments could create a kind of ‘back door’ shared powers model, which would lack the transparency and certainty of taking a more principled approach.

What specific policy powers might be devolved to the English Parliament?

Existing ‘England-only’ powers exercised by the UK parliament

The most obvious legislative powers that an English Parliament could gain are those that are already held by all three existing devolved legislatures and which the UK parliament therefore currently exercises only for England, subject to EVEL. These powers are roughly equivalent to those of the National Assembly for Wales, as the existing devolved legislature with the most limited powers in many policy fields. Amongst them are almost all powers relating to health and education, as well as powers relating to other significant areas of domestic policy, including local government, housing, planning and aspects of transport (see Table 6.3 for a fuller list). It is reasonable to presume that an English Parliament would assume legislative powers in these areas.

Included in this category are powers over the local government system, which highlights that, though often presented as alternative solutions to the English question, an English Parliament and devolution to sub-national institutions within England are not necessarily incompatible. The process of city-region devolution pursued by the UK government in recent years might well continue, even if a new England-wide body was created. The option of more radical reform to establish regional assemblies, which could potentially take on some of the powers mentioned in this section, would of course also be available to the English Parliament. However, given the

limited public support for such reform (see chapter 3), and the upheaval and cost that it would involve, this seems unlikely in the short term.

Powers devolved to Scotland and Northern Ireland but not to Wales

More complex issues are raised by the possible devolution to an English Parliament of those powers that are currently devolved to the Scottish Parliament and Northern Ireland Assembly but not to the National Assembly for Wales. A significant range of powers fall into this category, illustrated by the fact that during the first year of operation of the EVEL standing orders in the House of Commons 139 clauses and schedules in government bills were certified as England-and-Wales-only prior to second reading (10.5% of the total), just slightly fewer than the 145 (11%) that were certified as England-only.²³ In several of these policy areas there are practical obstacles to achieving the symmetry demanded by proponents of an English Parliament.

One major group of powers currently devolved to Scotland and Northern Ireland but not Wales relate to the justice system, including policing, criminal law, the courts and prisons. That Wales shares a legal jurisdiction with England, while Scotland and Northern Ireland have their own jurisdictions, has been a barrier to devolution of these powers to Wales (Commission on Devolution in Wales 2014). In considering whether policing and justice should be devolved to an English Parliament this issue would clearly come into play. The complications involved are significant – to achieve the same level of devolution as to Scotland and Northern Ireland the England and Wales jurisdiction would need to be split, requiring establishment of a separate Welsh court system, judiciary and legal profession. As has been stated in a report published by the Wales Governance Centre and the Constitution Unit (2015: 25) this would be a ‘major political decision’ with ‘cost implications’. It is currently Welsh government policy to establish ‘distinct’ rather than wholly separate jurisdictions for England and Wales (Welsh Government 2016). Under this model the shared jurisdiction would be divided between the courts and laws of England and of Wales, but the judiciary and administration of justice would remain shared (Trench 2015). Such an option is currently being investigated by a Welsh government commission chaired by Lord Thomas of Cwmgiedd (Welsh Government 2017b). Following establishment of an English Parliament this kind of arrangement could allow for a degree of devolution of justice powers to both England and Wales, while not requiring the jurisdiction to be split.

Another area where powers have been devolved to Scotland and Northern Ireland but not to Wales is welfare. In the case of Northern Ireland the welfare system has been fully devolved from the outset of devolution, though in practice under the ‘parity convention’ policy has diverged little from that in the rest of the UK (Simpson 2015). In Scotland devolution of welfare is a more recent and more limited phenomenon, with some responsibility for benefits, including disability, cold weather and maternity benefits, devolved under the Scotland Act 2016 (Sandford 2015). That legislation also included powers for the Scottish Parliament to create new benefits in devolved areas and to ‘top up’ reserved benefits. These powers have not been extended to Wales, with devolution in this area having been explicitly rejected by the Silk Commission, which

considered further powers for the National Assembly, on the grounds that it would carry significant financial risk (Commission on Devolution in Wales 2012). However, it would seem strange for the UK government and parliament to retain responsibility for aspects of the welfare system in Wales once they had been devolved to Scotland, Northern Ireland and England. The practice in Northern Ireland would also have to change as the ‘parity’ principle could not continue to operate in the way it does currently.

Beyond policing, justice and welfare there are various other miscellaneous legislative powers devolved to some but not all of the existing devolved legislatures, including some fiscal powers (see chapter 7) and powers relating to abortion, the charity sector and the Crown Estate. In many of these cases decisions would need to be made about whether to prioritise immediate practical considerations or the drive for symmetry. If the former, some powers could be retained as ‘England-and-Wales-only’, at least during the initial period after the establishment of an English Parliament. This way the English Parliament’s powers would fall short of those of the Scottish Parliament. If instead symmetry took precedence, as seems more likely, a major overhaul of Welsh devolution would be required.

Devolved powers currently subject to EU law

A further category of policy powers are those which are formally devolved to Scotland, Wales and Northern Ireland, but in practice currently subject to EU law. These include powers relating to agriculture, the environment and fisheries, as well as some in the justice area. The devolved institutions have a limited responsibility for implementation, acting within EU frameworks.

There is currently considerable uncertainty about the nature of post-Brexit arrangements in these policy areas, making it difficult to predict the extent to which they would be devolved to an English Parliament. It is widely recognised that some UK-wide frameworks will be needed to replace EU frameworks, but there is not yet agreement on how this will work (Keating 2017). Under the UK government’s European Union (Withdrawal) Bill these areas would be covered by a new category of ‘retained EU law’ that would be created and reserved to Westminster (Rawlings 2017). In joint statements the Scottish and Welsh governments have strongly objected to this proposal (Sturgeon and Jones 2017). Their preferred model is for EU powers in areas of devolved legislative competence to transfer directly to the devolved institutions, with any UK-wide frameworks then negotiated with the UK government.

Whatever arrangements are finally arrived at, an equity principle would imply that the English Parliament should gain the same policy powers in these areas as the other devolved legislatures. At the very least this would involve an implementation role, but if the eventual post-Brexit settlement is closer to the Scottish and Welsh demands the English Parliament could also have a more substantial role in making policy in these areas.

Powers beyond those devolved to Scotland, Wales and Northern Ireland

As noted above, some supporters of an English Parliament have called for such a body to be responsible for all domestic policy, leaving only foreign policy and some aspects of economic policy to the UK parliament. In the cases of Scotland, Wales and to a lesser extent Northern Ireland, the devolved legislatures have accrued additional powers over time on top of those they were initially granted. The powers of an English Parliament could develop in a similar manner, though in the context of a more symmetrical Union it is probable that England, Scotland, Wales and Northern Ireland would gain new powers together rather than in isolation.

Were further powers to be devolved beyond those already applying to Scotland these might include currently reserved powers over immigration and in the areas of energy, pensions, trade and industry or welfare. This would be radical, yet there are international examples of the devolution of some policy areas that are currently reserved in the UK. For example the Canadian provinces' powers over immigration were cited in a recent all-party parliamentary group report that called on the government to consider a 'devolved or regionally-led immigration system' (All Party Parliamentary Group on Social Integration 2017).

Conclusion

The policy power to be devolved to an English Parliament would be the first and most important question to consider when designing such an institution. The existing devolution settlement has given different and uneven powers to the three legislatures in Scotland, Wales and Northern Ireland, each of which have developed over time. Comparison with other decentralised systems shows that this degree of asymmetry is unusual, as is the extent to which the policy competencies devolved in the UK are separate from those retained at the centre. In other countries, a higher degree of concurrent or shared powers between the different levels of government is common. In contrast, in key areas such as health and education the UK parliament now legislates only for England (although it retains a formal ability to legislate on matters devolved elsewhere, subject in practice to consent of the devolved institutions).

A key objective of proponents of an English Parliament is to create equity of treatment between the UK's component parts. Hence such advocates argue for a body with similar powers to those already devolved in other areas. A principled approach would use establishment of an English Parliament as an opportunity to review the devolution settlement, consider which policy competencies should be held at each level, and legislate for 'devolution all round' – perhaps incorporating a greater level of shared competencies than now. However, any suggestion that the existing bodies' policy powers should be reduced would be highly controversial. Hence political pragmatism points in the direction of basing the English Parliament's powers on those which are already devolved elsewhere.

This implies that such a body should at least match the powers currently exercised by the UK parliament solely for England. These are listed in the first column of Table 6.3, and include key

responsibilities such as health, education, housing and local government. This would give the English Parliament powers roughly equivalent to those of the National Assembly for Wales. Such arrangements would require the UK parliament to continue to legislate on various topics for the jurisdiction of England and Wales, which would be both complex and unpopular with some English Parliament supporters.

Table 6.3: Possible powers of English Parliament and UK parliament

Powers likely to be devolved to an English Parliament	Powers that may or may not be devolved to an English Parliament	Powers likely to be reserved to the UK parliament
<ul style="list-style-type: none"> • Economic development • Education, including further and higher education • Elections to the English Parliament (if separately elected) • Fire services • Forestry • Health and social services • Housing and planning • Internal transport • Local government, including finance and elections • Renewable energy schemes and energy efficiency • Tourism • Water supply 	<ul style="list-style-type: none"> • Abortion • Agriculture, fisheries and food • Charities • Civil justice, including family law, land law, contract law and tort • Criminal justice, including courts and prisons • Crown Estate • Environmental protection • Onshore oil and gas extraction • Police • Social security 	<ul style="list-style-type: none"> • Broadcasting • Constitution • Defence • Embryology, surrogacy and genetics • External transport • Fiscal, economic and monetary policy • Immigration • International development • International relations • International trade • Medical supplies • National security • Pensions • Telecommunications • Trade and industry

Note: The lists in this table should not be taken as comprehensive.

The second column includes powers currently exercised by some devolved legislatures but not others, such as policing, justice and welfare. Many proponents believe that equity requires an English Parliament to have powers equalling those of the Scottish Parliament, but this arrangement would also raise major political questions. In particular it would give significant impetus towards greater symmetry in the existing devolution settlement, since it could be difficult in practice to transfer some such policy competencies without also doing so for Wales and Northern Ireland. Hence establishment of an English Parliament would almost inevitably lead to negotiations over competencies with the existing bodies. In some areas key framework powers are currently exercised at the EU level, and their future is now under dispute; but post-Brexit the English Parliament could be expected to gain powers in line with the other devolved areas, relating for example to agriculture and the environment.

The powers likely to be retained by the UK parliament are shown in the third column, and include areas such as foreign policy, defence, immigration, national security, most working age benefits and pensions (as further discussed in chapter 10). Although these powers are significant, it is clear that establishment of an English Parliament would – in the absence of shared competencies – exclude the UK parliament from many key areas of policy making. It would also create an institution (given England’s centrality and share of the population) with enormous political clout. These issues are further explored in future chapters.

7. Financial arrangements for an English Parliament

Regardless of what powers an institution might have on paper, financial resources are required in order to exercise them effectively. This chapter discusses the options for financial arrangements for an English Parliament. It concludes that such a body would be very likely to be funded through a mix of revenues from devolved taxation and borrowing, together with grant funding from the UK government. On either the separately elected or dual mandate model it is likely that an English Parliament's fiscal (i.e. tax-raising) powers would be equivalent to those of the Scottish Parliament. Grant funding for an English government could not be determined by the Barnett formula currently used for Scotland, Wales and Northern Ireland. This means that, at least under the separately elected model for an English Parliament, the formula could no longer be used in the rest of the UK either and a new formula would be needed. More incremental change might be possible under the dual mandate model, but this raises questions of its own.

Existing UK experience

The UK's existing devolved administrations receive a large proportion of their funding through block grants from the UK government. Annual changes in the size of these grants are determined by the Barnett formula. This was first introduced in the late 1970s, as a way of setting the budgets of the territorial departments, and then adapted to the post-devolution environment (Select Committee on the Barnett Formula 2009). Under the formula UK government spending programmes for England are classified by whether they are 'comparable' to devolved functions in Scotland, Wales or Northern Ireland.²⁴ Following each spending review the change in spending on 'comparable' programmes is reflected in the annual change in the size of the block grants. An increase (or decrease) in UK government spending in England on matters devolved elsewhere therefore results in an equivalent increase (decrease) in the block grants. The devolved governments can then decide how to spend the grants as they see fit. This system of funding has long been subject to criticism on the grounds that it has contributed to some parts of the UK (in particular, Scotland) being 'overfunded' and others (in particular, Wales, but also England) being 'underfunded' and there have consequently been many calls for reform (e.g. McLean, Lodge and Schmuecker 2008, Select Committee on the Barnett Formula 2009, Trench 2013b). Critical political commentators have often focused specifically on the Barnett formula, but it is not primarily this that determines the disparity in funding levels between the different parts of the UK (see Keep 2016). Instead, historical decisions that pre-date Barnett are a more important driver of the absolute level of the grants. Despite its controversial nature this funding system has persisted – the complexity involved in replacing it, plus the political difficulties involved in introducing any new system less generous to Scotland, have been deterrents to reform.

Table 7.1: Fiscal powers of the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly

Type of taxation	Scotland	Wales	Northern Ireland
Income tax	To set rates and thresholds on non-saving and non-dividend income.	To introduce a Welsh rate (not commenced).	n/a
VAT	Assignment of first 10% of revenue raised by standard rate and first 2.5% of revenue raised by reduced rate of VAT.	n/a	n/a
Other taxation powers	Land transaction, waste disposal, air travel, aggregates levy, business rates (exercised by local govt.), council tax (exercised by local govt.).	Land transaction, waste disposal, aggregates levy, business rates (exercised by local govt.), council tax (exercised by local govt.).	Air travel (long-haul flights only), Regional Rate on top of the District Rate (equivalent to business rates and council tax), corporation tax (not commenced*).
Borrowing powers	Up to £1.75 billion (annual limit of £600 million) for revenue purposes and up to £3 billion (annual limit of £3 billion) for capital spending.	Up to £500 million (annual limit of £200 million) for revenue purposes and up to £500 million (annual limit of £125 million) for capital spending.	Up to £200 million per year for capital spending.

Sources: Bowers (2016), National Assembly for Wales Research Service (2016), PricewaterhouseCoopers (2013), Seely and Keep (2016).

* Subject to agreement between the UK government and Northern Ireland Executive on the impact on Northern Ireland's budget (Seely 2017).

The other source of funding for the devolved governments is taxation raised by or allocated to them. Initially the post-1998 devolution arrangements involved only extremely limited fiscal devolution (Hazell and Cornes 1999). However, this has changed somewhat and all three devolved legislatures now possess some fiscal powers (see Table 7.1). The Scotland Act 2012 and Wales Act 2014 brought about the devolution of taxation powers relating to land transaction and waste disposal, in place of the previously UK-wide Stamp Duty Land Tax and Landfill Tax (Ifan and Poole 2016, Seely and Keep 2016). At this point Scotland also gained greater powers to vary income tax rates, beyond the initial (unused) band of 3%. These powers were further extended through the Scotland Act 2016, which gave the Scottish Parliament full power to set the rates and thresholds of income tax in Scotland, devolved air passenger duty and the aggregates levy, and assigned the first 10% of VAT revenue to the Scottish government. Consequently, once these measures have been fully implemented, the Scottish government will be responsible for

raising approximately half of devolved expenditure (Sandford 2015). Fiscal powers in Wales have not yet developed to the same extent and even if income tax is devolved, for which there is statutory provision, the Welsh government will still be responsible for raising only around one fifth of devolved expenditure (Poole, Ifan and Phillips 2016). The Northern Ireland Executive can set a regional tax rate to be levied on top of Northern Ireland's equivalent to council tax, the 'District Rate', for the purposes of funding services run by the Northern Ireland Executive (PricewaterhouseCoopers 2013). Air Passenger Duty has also been devolved for direct long-haul flights, and corporation tax devolution is planned. All three devolved legislatures have borrowing powers, but these are limited (as shown in Table 7.1).

Overseas experience

Table 7.2 provides information about financial arrangements in our comparator countries. In almost every case sub-state units are funded by a mix of directly raised taxes and revenue transfers from elsewhere (central government and other sub-state units).²⁵ The exact balance varies considerably. While Canadian provinces raise as much as 80% of their money directly and US states 70%, Austria's *Länder* have only limited tax-raising powers (Federal Ministry of Finance n.d., Trench 2013b). Taxes raised at sub-state level often include land, sales and consumption taxes, the rationale being that these are levied on less mobile sources and relate to areas for which sub-state governments are usually responsible. Income tax, which tends to be the largest single source of tax revenue, is often shared between the two levels, as for example in Canada (Knopff and Sayers 2005) and India (Majeed 2005). Taxes levied on more mobile sources, for instance corporation taxes, are usually raised by central government, though revenues are sometimes shared with the sub-state level (Trench 2013b).

Despite the existence of fiscal powers at sub-state level, in most systems these are insufficient to provide the public services for which governments at that level are responsible (Trench 2013b). This creates a 'vertical fiscal gap', typically filled through grants from central government. The formulae determining the size of these vary considerably between different systems. One common feature is a redistributive element – that is, units with greater per capita revenue-raising capacity receive less generous grants than those with lower capacity, so that overall each unit has a similar ability to provide public services. These grants are often referred to as equalisation payments. In Canada the redistributive principle is entrenched in the Constitution Act, which states that the federal government is committed to 'making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation' (Knopff and Sayers 2005: 125). Grants from central governments are often 'block grants', to be spent as the recipient government chooses, but they are sometimes subject to conditions laid down by central government. The 'grant-in-aid' system in the United States (Tarr 2005), under which funding comes alongside a requirement to comply with federal government regulations, is one example. President Barack Obama used this system to introduce his 'Obamacare' reforms (Edwards 2013).

Table 7.2: Financial arrangements in case study countries

Country	Tax-raising arrangements	Revenue sharing arrangements
Australia	Customs and excise duties are the only taxes constitutionally restricted to the central level. In practice only the central level raises income tax and a goods-and-services tax. Taxes raised by the states include property taxes, gambling taxes, payroll taxes and stamp duties.	Proceeds from the goods-and-services tax are shared with the states. Each state also receives an annual grant, whose size the independent Commonwealth Grants Commission recommends annually. Its objective is to allow each state to provide services of a comparable quality without imposing significantly higher taxes.
Austria	Raised largely at the central level.	Revenues are redistributed to the <i>Länder</i> through mechanisms based partly on population size, but also involving an element of need. The legislation underpinning this system is a 'sunset law', in force for only a few years before being replaced. Prior to new legislation being introduced consensus is sought through negotiations between the central government and representatives of the <i>Länder</i> governments.
Belgium	Centrally raised taxes include income tax, corporation tax and VAT. Regions can impose unlimited 'extensive surcharges' on income tax, and may increase or decrease the rates of other central taxes relating to regional powers. They are also responsible for raising taxes, including on gambling, drinking establishments, property and vehicle registration and radio/TV ownership. Finally, they can set the base amount for real estate taxes. The linguistic communities do not have tax-raising powers.	The linguistic communities are financed through allocated revenues from income tax and VAT, determined by a needs-based system. The regions also receive grants from the central level, even though they now raise the majority of their revenue through their fiscal powers. A national solidarity mechanism aims to achieve redistribution from wealthier to poorer regions.
Canada	The provinces are constitutionally limited to 'direct taxation' and licence fees, while the central level can raise money through any means of taxation. Direct taxation has been defined so that provinces can raise a sales tax, and collect royalties from natural resources. Income tax is raised by both levels, though (except in Quebec) the collection of provincial taxes is in practice administered by the central tax collection agency.	The principle of equalisation payments is established in the Constitution Act. The size of these is determined by a formula that seeks to ensure that each province has access to equal per capita revenues. They take the form of a block grant that can be spent as each province chooses. In addition, the central government can spend money in areas of provincial jurisdiction, and does so frequently.
France	The Constitution requires regional councils to raise the 'preponderant part' of their revenues through taxation. The main regional taxes relate to housing, property and businesses.	The regions receive a general block grant from central government, together with a decentralisation grant designed to fund policy responsibilities that have recently transferred to them. Regions also receive 'grants-in-aid' in some policy areas. The formulae used to determine the size of the grants provide for a moderate degree of redistribution.

Germany	The most important taxes (e.g. income tax, corporation tax and VAT) are accrued across central, <i>Länder</i> and municipal level. There are also taxes exclusive to the central level (e.g. excise taxes) and <i>Länder</i> (e.g. real estate acquisition tax and inheritance tax), but these raise far less revenue than the jointly raised taxes.	Revenues from joint taxes are shared. Exactly how they are distributed varies between different taxes. An equalisation policy provides for redistribution both among <i>Länder</i> and from the central government to less wealthy <i>Länder</i> . Reforms agreed in 2017 will replace the current arrangements with a new system expected to reduce the degree of redistribution from 2020.
India	The Constitution specifies which taxes can be raised at each level. Centrally raised taxes include customs duties, income tax (other than on agricultural income), corporation tax and taxes on goods and services. Taxes raised by the states include those on agricultural income, land and buildings, vehicles and professions.	There is significant revenue sharing between central government and the states. This is facilitated through taxes levied by the centre but assigned to the states and through grants, which can either be block grants or grants for specific purposes. There is a system of grants-in-aid which allows the central level to exercise some control over welfare schemes. A Finance Commission is appointed every five years to review arrangements.
Italy	The key taxes (e.g. income tax, corporation tax and VAT) are all raised primarily or exclusively at the central level. A relatively small regional surcharge is payable on top of income tax, and the regions also raise a tax on productive activities. The Constitution stipulates that regional tax powers must be exercised in a way that allows for the effective co-ordination of overall financial arrangements.	Central government funds are distributed to the regions in three different ways. First, through assignment of some of the proceeds of central taxes. Second, through an equalisation fund providing additional resources for areas with lower tax bases. Third, through central government grants for specific purposes. The Constitution requires these funds to be sufficient for the regions to meet their centrally-imposed obligations.
Spain	All of the autonomous communities have significant tax-raising powers. These include exclusive responsibility for taxes on property, inheritances, gambling and transport vehicles, and shared responsibility for income tax. The Basque Country and Navarre have a separate financial system under which almost all tax is raised at the regional level.	Resources are distributed to most autonomous communities through the assignment of proceeds of central taxes. An equalisation system also distributes resources to the communities according to a needs-based formula. Under their separate financial system the Basque Country and Navarre instead pay an annual amount to the central government.
United States	Taxation is a concurrent power. The only constitutional restrictions on the central level are that Congress cannot tax exports, must apportion direct taxes among the states in proportion to population size, and must impose taxes uniformly across the US. State constitutions often include restrictions on state taxation.	The Constitution does not provide for revenue sharing. In practice the central level provides many subsidies to states through ‘grant-in-aid’ programmes, under which funding comes together with central regulations. Poorer states generally receive greater funding through this system.

Sources: Relevant constitutions, available at <https://www.constituteproject.org/>, accessed 27 October 2017. In addition: Australia – Saunders (2005); Austria – Federal Ministry of Finance (n.d.); Belgium – Deschouwer (2005), Goossens and Cannoot (2015), Ostry, Morwinsky and Schramm (2017), Peeters and Haljan (2016); Canada – Department of Finance Canada (2011), Knopff and Sayers (2005), Trench (2013b); France – Cole (2017), Reulier and Rocaboy (2009), Siliverstovs and Thiessen (2015); Germany – Deutsche Bundesbank (2014), Finanzen (n.d.), Heinemann (2016), Kramer (2005); India – Government of India (2015), Majeed (2005); Italy – Deloitte (2016), Newell (2010); Spain – Leiceaga, Peñas and Vaquero (2016); United States – Edwards (2013), Tarr (2005).

Transfers from central to sub-state government are often controversial and so in some systems independent commissions exist to determine the size of the grant received by different units. A notable example is the Commonwealth Grants Commission in Australia, which advises the federal government annually on the size of grant that each state and territory should receive. Its recommendations are always accepted, despite some states having concerns about the funding system overall (Select Committee on the Barnett Formula 2009).

What English Parliament supporters have said

The perceived unfairness of existing devolution funding arrangements has been a key motivator of campaigners for an English Parliament. Eddie Bone (2016) of the Campaign for an English Parliament (CEP) has used figures from a House of Lords select committee report to claim that ‘the English taxpayer finances the Union’, and that the Barnett formula means ‘the British government – red or blue – has treated England’s taxpayers as a cash cow’. In their most recent manifesto the English Democrats (2015: 3) likewise suggested that the current system ‘institutionalises discrimination against the people of England’.²⁶ Meanwhile, the Labour MP Frank Field has said that ‘it is totally unacceptable that the poor in [his] constituency should be less well supported than the poor in Scottish constituencies, let alone the richest people in Scottish constituencies’.²⁷

Given these criticisms, it is unsurprising that many supporters of an English Parliament wish to see reform of devolution finance. The Campaign for an English Parliament (Bone 2016) and English Democrats (2015) have both explicitly called for the Barnett formula to be scrapped.²⁸ Likewise Paul Nuttall, during his short period as UKIP leader, said that the UK government should ‘get rid of the Barnett Formula and tell [Scotland, Wales and Northern Ireland] to get on with funding their own services’ (quoted in Maddox 2016). However, while supporters of a separately elected English Parliament have tended to make this an important aspect of their case, the leading advocate of a dual mandate English Parliament, John Redwood (2014c), has advised his ‘fellow Englishmen and women to calm down a bit about the formula for annual changes, as it can make sense which is why it has endured for so long’. He has instead proposed greater devolution of taxation powers, in order to ‘help sort out the imbalances and tackle English resentment at Barnett’.

Beyond replacing the Barnett formula, prominent supporters of a separately elected English Parliament have not been explicit about what financial arrangements they envisage. For example the English Democrats (2015) have advocated fiscal devolution, but without elaboration. In terms of possible options for any grant from the UK government the critique of existing arrangements clearly suggests that supporters of a separate English Parliament would not be satisfied by a new formula that continued to ‘underfund’ England. This implies that at a minimum they would want a formula based on a robust measure of ‘need’, though some might go further and demand simply allocating grants according to population size, without any attempt at redistribution.

Fiscal devolution

Leading supporters of both the separately elected and dual mandate models for an English Parliament have called for fiscal devolution, and it is appropriate to consider what such possible tax-raising powers might be. As with other policy powers (see chapter 6), an obvious starting point is the powers held by the Scottish institutions, which were set out in Table 7.1. The drive for symmetry would create political pressure for such powers to be devolved to an English Parliament. However, as with other policy powers, this would leave the UK parliament in the odd position of being responsible for some areas of fiscal policy in Wales and/or Northern Ireland only (see below). We have already seen that an English Parliament would probably have significant spending responsibilities, which makes it unlikely that it would be granted only the limited fiscal powers of Wales and Northern Ireland. Hence again, the most straightforward way of resolving this would be further devolution to Wales and Northern Ireland.

Under the separately elected model fiscal powers would clearly be exercised on a day-to-day basis by an English government in the same way that they are exercised by the Scottish government. The English Parliament would be responsible for setting tax rates within those areas where fiscal powers were devolved. This implies that a Budget would be drawn up by the English government's finance ministry in consultation with other departments, before ministers from this department proposed both taxation and spending decisions to the English Parliament for approval.

It is far less obvious how fiscal devolution could work under the dual mandate model. Resources raised through devolved tax powers would in practice need to be ring-fenced for spending on the English Parliament's functions – to ensure that 'English' taxes were spent on England-only functions, rather than Westminster's UK-wide functions. Hence it would again seem to follow that the English Parliament should be required to approve Budget resolutions, a Finance Bill and estimates. An English Budget, unveiled to a chamber comprising only MPs representing English constituencies, would be of great symbolic importance, demonstrating the separation of functions between the UK-wide and English legislatures. But this has further implications. One is that it seems to require a separate English finance minister within the UK government (or even possibly a separate English finance ministry). Another is that there would surely be the need for a formal division of accounts within other departments, between UK spending and England-only spending, to ensure proper accountability. Both of these seem inconsistent with the suggestion by key proponents of this model that the UK government could remain unified and largely unaffected (see chapter 4).

Grant funding

The resources raised through fiscal devolution would almost certainly be insufficient to cover the cost of providing England-only services, so the UK government would need to provide additional money. If an English Parliament's powers matched those of Scotland they would

cover around half of its budget. A large portion of the remainder would probably need to be covered by a grant from the centre.

Under the separately elected model it would not be possible simply to replicate existing arrangements, and a new formula would hence be needed. This is because the Barnett formula is calculated on the basis of the UK government's spending on England-only functions – so attempting to use the formula to determine English spending would be circular. Indeed, as the UK government would no longer have 'comparable' responsibilities in England to those of the devolved governments the Barnett Formula would also become unusable for Scotland, Wales and Northern Ireland. Some alternative means of calculating a grant would therefore be required.

Under the dual mandate model, whereby the UK and English governments remain fused, a central grant allocation could either be made to the English Budget as a whole or to ring-fenced budgets in individual departments. In this case the Barnett formula could potentially continue to be used, with calculations of changes to the size of the block grants for Scotland, Wales and Northern Ireland based on changes to spending on those responsibilities overseen by the English Parliament. Such an arrangement would, however, probably prove controversial in the other devolved areas, as members of the dual mandate English Parliament would be able to dominate the vote in the UK parliament that determined the size of the grants. There might therefore also be pressure for a new formula under the dual mandate model.

Designing such a formula would be a highly technical exercise and is well beyond the scope of this report, but a key issue for consideration would be the complex question of how much of a redistributive element there should be. As already noted, some redistribution is very common in funding of sub-state units overseas. Indeed, willingness to support such transfers can prove essential to holding decentralised states together. Yet, as the criticisms levelled at Barnett by supporters of a separate English Parliament demonstrate, negotiating a new formula that included an explicit redistributive element between the nations would inevitably raise complaints. To minimise these it would seem necessary for a new formula to base the distribution on a robust measure of 'need', so that each government had the resources available to provide a similar level of service. Proponents of reform to the existing devolution finance arrangements have frequently suggested this kind of change (e.g. McLean, Lodge and Schmucker 2008, Trench 2013b). It is noteworthy that the Select Committee on the Barnett Formula (2009) concluded that need in England and Scotland was relatively similar, so a new needs-based formula would probably result in redistribution of revenue raised in these areas, on the one hand, to Wales and Northern Ireland on the other. Nonetheless, precisely how to establish 'need' is fraught with difficulty and would be highly controversial. To depoliticise these decisions there is hence a case for some sort of independent body to be involved, on the Australian model, as was recommended by the House of Lords Select Committee on the Barnett Formula (2009).

As well as a block grant additional funding might be made available by the UK government on certain conditions. So far this sort of grant has not been a feature of UK devolution, despite being common overseas. Like shared powers (see chapter 6) political incentives might make

conditional grants much more attractive to central government in future if it had substantially reduced powers with respect to England. Such grants could be linked to specific infrastructure projects, or even be used by the UK government to influence the direction of policy in areas such as health and education. However, any moves in this direction would be certain to cause controversy, after over 20 years of operation of the existing devolution settlement in Scotland, Wales and Northern Ireland – during which the block grant has been paid with no conditions attached.

Conclusion

Financial arrangements have been largely overlooked by proponents of an English Parliament to date, but in practice might prove one of the most controversial elements of designing such a body. As with policy powers in general (discussed in the previous chapter), it would be difficult to accommodate an English Parliament through incremental change to the existing system; hence some more root-and-branch review would almost certainly become necessary.

Since fiscal devolution is limited in the UK, there would be demands from English Parliament supporters for the new body to have equivalent powers to Scotland in this area. If this were accepted, it would result in new pressure to devolve equivalent powers elsewhere, since it would be odd for the UK parliament to wield these powers for Wales and Northern Ireland alone. An English Parliament with more limited fiscal powers, closer to arrangements in the other devolved areas, would be possible – but clearly not meet supporters' hope for equity with the Scottish Parliament.

In addition to any tax-raising powers, England would require some sort of grant funding from the UK government. Under the separately elected model this would necessarily entail a complete overhaul of financial arrangements across the Union, to replace the Barnett formula with a new mechanism. Controversies would inevitably arise over the redistributive element of such a formula. The dual mandate model might appear to avoid some of these problems, but could not dodge them entirely, as the Barnett formula would result in members of the English Parliament effectively determining the block grant for other areas. Having lost many of its policy levers over England, the UK government and parliament might also feel tempted to introduce more conditionality to future grants made to the devolved areas, as a means of maintaining control and relatively standardised public services. Such arrangements are common overseas, but to introduce them at this late stage of the devolution process would undoubtedly be difficult and controversial.

8. An English government?

In any parliamentary system the legislative and executive branches are closely associated. It is therefore impossible to consider the work of an English Parliament properly without also considering what form executive arrangements might take. Supporters of the two main models for an English Parliament have very different visions on this matter, though both remain underdeveloped. While the most prominent proponents of the dual mandate model envisage the UK government continuing to act as England's government, advocates of the separately elected model support the establishment of a separate English devolved government equivalent to those elsewhere in the UK. This chapter hence examines the implications of the different models for government formation and confidence, and for the structure of government departments and ministerial portfolios, concluding that either model would have major implications. Government under the dual mandate model would potentially be complicated, and could also lead to serious political tensions if the UK government lacked a majority in the English Parliament. Yet the prospect of an English government and First Minister under the separately elected model would inevitably raise concerns about English institutions becoming too dominant, with potentially destabilising effects.

Existing UK experience

Scotland, Wales and Northern Ireland each have separate executives, accountable to their respective legislatures.²⁹ This has been the case from the outset of the Scottish Parliament and Northern Ireland Assembly. The National Assembly for Wales was initially set up as a 'corporate body', combining executive and legislative functions, with an expectation that executive and backbench members would work together in developing policy (Osmond 2000). However, this arrangement never worked as envisaged and the executive was formally separated from the Assembly in 2006 (Trench 2007).

Each existing devolved government is headed by a First Minister.³⁰ In Scotland and Wales the holder of this post is selected by the legislature as a whole in a vote held after each election (or if a vacancy occurs at another time), and is then formally appointed by the monarch – a system which some have subsequently suggested should be used for selection of the UK Prime Minister (Schleiter, Belu and Hazell 2016). In both Scotland and Wales the First Minister must retain the confidence of the legislature and is required to resign following a vote of no confidence.³¹ Northern Ireland is different, with the system of cross-community power-sharing allocating the positions of First Minister and Deputy First Minister to the largest parties of the two largest designations (among Unionist, nationalist and other).³²

With respect to choosing ministers, appointments in Scotland are made by the First Minister, subject to approval by the Scottish Parliament (Scottish Parliament 2017b). The Scottish government currently has a cabinet of 10 members, and there are 15 other ministers.³³ In

contrast, the First Minister of Wales can make ministerial appointments without seeking legislative approval. Currently there are nine cabinet ministers in Wales and five other ministers.³⁴ In both Scotland and Wales the First Minister has discretion to alter departmental structures and ministerial portfolios. In Northern Ireland most ministerial posts are distributed proportionally between the parties participating in the mandatory coalition, with portfolios determined jointly by the First Minister and Deputy First Minister, while the Minister of Justice is elected by the Assembly on a cross-community vote.³⁵ Table 8.1 lists the cabinet positions in the current Scottish and Welsh governments, and the ministerial posts in the Northern Ireland Executive in January 2017.³⁶ Although in each case the exact titles differ there is a lot of commonality, with the main differences explained largely by differences in policy powers.

Table 8.1: Cabinet positions in Scottish and Welsh governments, and the Northern Ireland Executive

Scottish government cabinet positions (cabinet secretaries)	Welsh government cabinet positions (cabinet secretaries)	Northern Ireland Executive positions** (ministers)
<ul style="list-style-type: none"> • First Minister • Communities, Social Security and Equalities • Culture, Tourism and External Affairs • Economy, Jobs and Fair Work • Education and Skills* • Environment, Climate Change and Land Reform • Finance and Constitution • Health and Sport • Justice • Rural Economy and Connectivity 	<ul style="list-style-type: none"> • First Minister • Counsel General • Economy and Transport • Education • Energy, Planning and Rural Affairs • Finance • Health and Social Services • Leader of the House and Chief Whip • Local Government and Public Services 	<ul style="list-style-type: none"> • First Minister • Deputy First Minister • Agriculture, Environment and Rural Affairs • Communities • Economy • Education • Finance • Health • Infrastructure • Justice

Sources: Scottish Government, ‘Cabinet and Ministers’, <https://beta.gov.scot/about/who-runs-government/cabinet-and-ministers/>, accessed 7 January 2018; Welsh Government, ‘Cabinet Members’, <http://gov.wales/about/cabinet/cabinetm/?lang=en>, accessed 7 January 2018; Williamson (2016).

*The current Cabinet Secretary for Education and Skills is also Deputy First Minister.

** Correct at January 2017.

Among the existing devolved administrations only Northern Ireland has a civil service that is formally separate from that of the UK. In Scotland and Wales civil servants are technically employed within the UK civil service, although they serve ministers in the devolved governments rather than the UK government. In both cases the most senior civil servant is titled Permanent Secretary. Both divide the government into ‘directorates’ covering relatively narrow policy areas (of which there are over 30 in both Scotland and Wales), rather than into departments corresponding to ministerial portfolios as is the case with the UK government.³⁷ Ministerial portfolios typically cover several directorates.

Overseas experience

The norm around the world is for legislatures to exist alongside executives, though relations between the two can take different forms. The two classic models are ‘parliamentary’ and ‘presidential’ systems, but other variants exist, including ‘semi-presidential’ systems (Lijphart 1992). The best-known examples of these three respectively are the UK, the US and France. The key defining feature of a parliamentary system is that the executive must retain the confidence of the legislature – while the same does not apply to presidents in presidential or semi-presidential systems.³⁸ This link between the executive and legislature means that a vote of no confidence would normally result in either an early election or the formation, without such an election, of a new government that does command the legislature’s confidence (Stepan and Skach 1993, Strøm, Müller and Bergman 2003). This kind of an arrangement applies not only in the UK House of Commons, but the Canadian House of Commons, Australian House of Representatives, German *Bundestag* and several of our other comparator countries. In federal systems the state-level arrangements are then generally mirrored at sub-state-level. Hence the governments of individual Canadian provinces, Australian states and all but one German *Land* depend on the confidence of their respective legislatures. In contrast, each US state has a directly-elected Governor whose relationship with the state legislature is similar to that between the US President and Congress. Arrangements in our comparators are summarised in Table 8.2.

Table 8.2: Sub-state executive arrangements in comparator countries

Country	Heads of executive	Appointment	Confidence relationship?
Australia	Premiers	By governors	Yes
Austria	Governors	By legislatures	Mixed
Belgium	Minister-Presidents	By legislatures	Yes
Canada	Premiers	By lieutenant-governors	Yes
France	Presidents	By regional councils	No
Germany	Minister-Presidents	By legislatures	Yes**
India	Chief Ministers	By governors	Yes
Italy	Presidents	Directly-elected*	Yes
Spain	Presidents	By legislatures	Yes
United States	Governors	Directly-elected	No

Sources: Australia – Killey (2014); Austria – Gamper (2006); Belgium – Popelier and Lemmens (2015); Canada – Lagassé and Baud (2016); France – Scargill (1998); Germany – Gunlicks (2003); India – Government of India (2015); Italy – Senato della Repubblica (2017); Spain – Gunther, Montero and Botella (2004); United States – Tarr (2005).

* Except Aosta Valley and Trentino-South Tyrol, where the President is selected by the legislature.

** Except Bavaria, formally, though Article 44 of the Constitution also requires the Minister-President to ‘resign if the political situation renders a trustful co-operation between him/her and the Bavarian State Parliament impossible’.

Rules for government formation at sub-state level show some variation. In many parliamentary systems, as in Scotland and Wales, an ‘investiture vote’ is held to elect either the head of the

executive or the executive as a whole (Rasch, Martin and Cheibub 2015). This applies at sub-state level in several of our comparators. Other parliamentary systems mirror the traditional UK system, where the monarch appoints the executive on the basis of its ability to command the confidence of the legislature (see Kelso 2015). In Canadian provinces and Australian states premiers are appointed on this basis by the lieutenant-governors and governors respectively, acting as representatives of the Crown.

At the most basic possible level, in all of our comparator countries sub-state legislatures are associated with sub-state executives that are separate from the central government. We have found no example where there is a sub-state legislature but the executive function in sub-state areas is performed by central government, as many supporters of a dual mandate English Parliament envisage (see below). Belgium's regions and linguistic communities did have 'dual mandate' legislatures composed of subsets of members of the central legislature between 1981 and 1995. Yet each had a separate executive accountable to it, headed by a Minister-President who was elected by the relevant legislature (Fitzmaurice 1983). The regional legislatures in Flanders and Wallonia have been separately elected since 1995, while the linguistic community legislatures are now formed from members of the regional legislatures (Deschouwer 2012).³⁹ This switch resulted from pressure for further deepening of Belgian decentralisation, as well as practical workload issues that arose from members simultaneously serving in central and sub-state legislatures.⁴⁰

What English Parliament supporters have said

Supporters of a separately elected English Parliament envisage an English government equivalent to the existing devolved administrations in the UK, headed by a First Minister (e.g. Davis 2014, Gorman 1999, Nuttall 2011). This is a key demand of the Campaign for an English Parliament (CEP), which has stated that its primary aim is to 'put the issue of a separately elected English Parliament, *with its own Executive*, on the political agenda' (Campaign for an English Parliament 2017a, emphasis added). The CEP's Eddie Bone (2016) has suggested that Scotland, Wales and Northern Ireland have a 'national strategy, a national vision and a government structure equipped to turn that vision into a reality', while devolution has 'continued to leave England wanting' in these respects. Furthermore, he has argued that it is undesirable for the UK government to perform a dual role as England's government too as it 'should put the interests of the UK above the interests of any of the nations'. Over the years the CEP has also repeatedly drawn attention to the absence of a distinct English voice on inter-governmental bodies such as the British-Irish Council and Joint Ministerial Committee (Campaign for an English Parliament 2013, 2016) – a concern which can clearly only be addressed by a separate government as well as parliament.

The principal advocates of a dual mandate English Parliament instead foresee the UK government continuing to act as the English government, with no separate English First Minister.⁴¹ This arrangement would appear not to involve the same level of disruption. However,

proponents have elaborated little on precisely how it would work. Aside from normal day-to-day running, particular questions arise about how these arrangements would function in the event that a UK government lacked an English majority. In outlining his model for a ‘partial federation’ Welsh Conservative AM David Melding (2009) has suggested that the most likely option in the case of differing majorities would be for the UK government to ‘simply form a coalition to secure a majority of MPs in England’, or to govern England as a minority administration ensuring that its policies were acceptable to English MPs. In interview with the authors a prominent supporter of the dual mandate model acknowledged that, if the Conservatives had an English majority, a Labour-led UK government might even need to form a ‘grand coalition’ – with Conservative ministers running English departments in line with policies from the Conservative manifesto. No proponents have directly addressed the question of how confidence arrangements would operate in a dual mandate English Parliament.

Government formation and confidence

As is already clear from the above, the relationship between government and parliament could be very different under the separately elected and dual mandate models, and the challenges created by each would also differ.

Alongside a separately elected English Parliament there would clearly need to be a separate English government to administer decisions, whose leader would probably be titled – in line with the other devolved areas – First Minister. This person would become a high-profile political figure, who could even come to eclipse the UK Prime Minister. The UK-wide profiles achieved by Scottish First Ministers such as Alex Salmond and Nicola Sturgeon, despite Scotland’s smaller population and distance from the main political and media hub, help to illustrate this point.

If the pattern in Scotland and Wales were followed, legislation would specify that the First Minister should be elected by a vote in the English Parliament, followed by formal appointment by the monarch. As compared to current arrangements for choosing the UK Prime Minister, this procedure has the advantage of eliminating ambiguity and avoiding the monarch becoming involved in controversy (Schleiter, Belu and Hazell 2016). In practice the outcome of votes for First Minister might usually be predictable, but not necessarily so – particularly if no party had a majority and no coalition or confidence and supply arrangement was in place.

This vote would allow the English Parliament to affirm its confidence in the executive. Other ministerial appointments would be made by the First Minister and could be made subject to parliamentary approval, as in Scotland, or not, as in Wales and the UK parliament. It would be consistent with arrangements in Scotland and Wales for standing orders to explicitly state that a subsequent vote of no confidence in the administration could be held at any time (National Assembly for Wales 2017b, Scottish Parliament 2017b). Approval of a motion of no confidence would require either a new government to be formed that could command confidence, or a fresh election to be called.

Under the dual mandate model matters would be far less certain. Without a separate English government there would be limited progress on the desire for development of distinct English ‘voice’ – as ministers in existing Whitehall departments would continue to speak for both England and the UK, including in intergovernmental forums. Furthermore, with the single executive (the UK government), constructed on the basis of ability to command the confidence of the whole UK House of Commons, there would be no obvious space for a confidence relationship to operate in the English Parliament. Nonetheless some ministers would have England-only policy responsibilities, and there might well be occasions where an individual minister, or the government as a whole, lost the confidence of the English Parliament. If this occurred, there would be no automatic means for them to be removed. This situation would be most likely to occur where there were differing political majorities at English and UK-wide level, but could potentially develop at other times. The absence of a confidence relationship in a dual mandate English Parliament violates a key principle of parliamentary government, and raises the question of whether such a body could properly be considered a parliament at all.

Regarding the broader prospects for a UK government lacking an English majority under the dual mandate model, there is a risk that the government could face frequent defeats in the English Parliament and hence be unable to secure the passage of key parts of its legislative agenda in areas such as health and education. As some proponents have speculated, these problems could potentially be avoided through a coalition or confidence and supply agreement that provided the UK government with an English majority. However, achieving this would not necessarily be straightforward. For example, in 1964 the Conservatives actually had a majority in England while Labour had a majority in the UK (see Table 12.5, chapter 12) – in such a situation a deal with third parties could not assist Labour; instead an agreement with the Conservatives would be required in order to secure the confidence of English MPs.⁴² The question would then arise as to whether the Conservatives should also participate in government decisions on UK-wide matters, such as national taxation and foreign affairs. Were they to do so, this could cause not only tensions at Westminster, but controversy in the existing devolved areas.

If a convention were in practice to develop that the UK government needed to command the confidence of a dual mandate English Parliament this would, in effect, give English MPs a veto on the formation of any UK government as well as the ability to remove one through a vote of no confidence. This is not a privilege that is afforded to MPs representing constituencies in Scotland, Wales or Northern Ireland, or to members of the existing devolved legislatures. It could also in practice make it very difficult for non-English MPs to become Prime Minister or Chancellor. Hence while this model seeks to remove one anomaly from the UK’s constitutional arrangements (i.e. non-English MPs voting on England-only legislation), it could clearly create others – of a potentially significant kind. The prospect of such risks would likely generate strong objections from the existing devolved areas to the establishment of such a body.

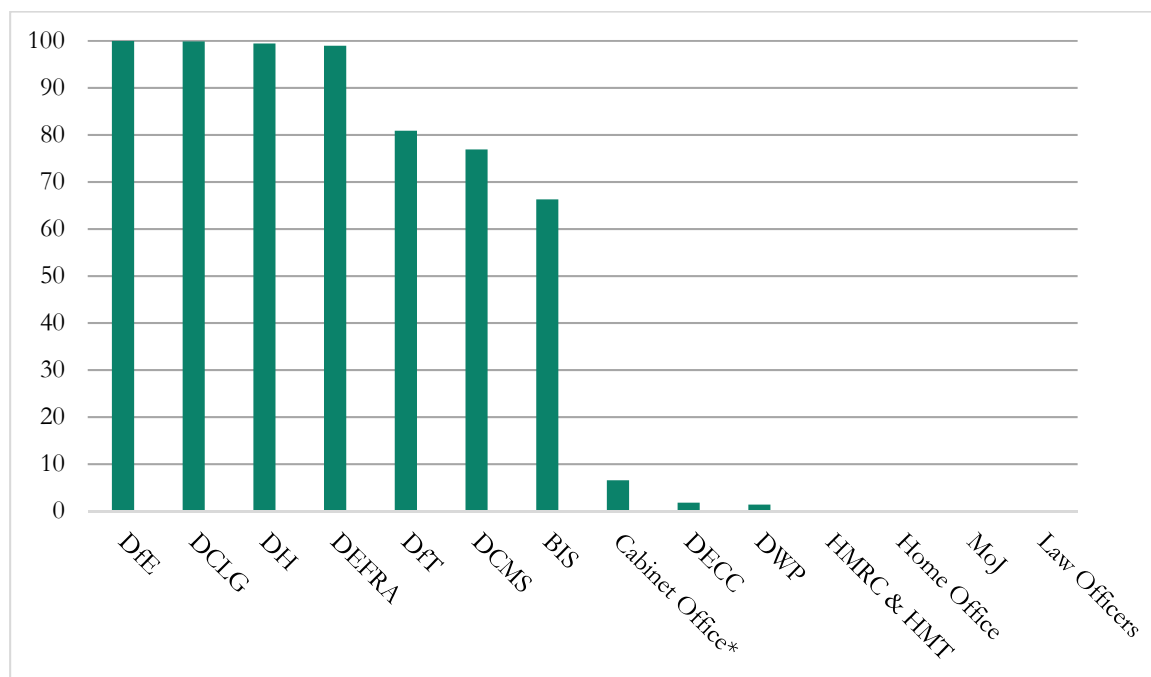
Government structure and ministerial portfolios

As noted above, the Scottish and Welsh governments are divided into ‘directorates’ covering fairly narrow policy areas rather than departments of the type within the UK government. This model has worked without major difficulties and could be introduced for a separate English government. But the fact that functions would transfer to an English Parliament from existing Whitehall departments would make it more likely that an English government would be divided into departments, at least initially.

Chapter 6 discussed the most likely policy powers of an English Parliament (see particularly Table 6.3), informed by the policy responsibilities of the existing devolved legislatures. If creating an English Parliament, responsibilities in these areas would be transferred from Whitehall to the English government. The extent to which current UK government departments are England-only is usefully illustrated by the Treasury’s *Statement of Funding Policy* (HM Treasury 2015). This document categorises Whitehall policy programmes by whether or not a comparable function is the responsibility of the devolved administrations in Scotland, Wales and Northern Ireland. For each individual programme a comparability percentage of either 100% (where it is devolved) or 0% (where it is not devolved) is allocated. This information, combined with figures in the document on the size of each expenditure item, makes it possible to calculate a figure for the proportion of each domestic Whitehall department’s spending that is England-only (i.e. items that are categorised as devolved to Scotland, Wales and Northern Ireland). A summary of these figures is shown in Figure 8.1, based on the most recently published *Statement of Funding Policy*, from November 2015.⁴³

The information in the Figure reflects which government spending programmes were England-only in 2015. It excludes some UK government responsibilities that involve no spending, but nonetheless provides a good indication of the extent to which departmental functions are devolved. It is clear that the departments of Education, Communities and Local Government, Health, and Environment, Food and Rural Affairs are almost entirely England-only in terms of spending, while this is also true of a substantial amount of the spending of the Business, Culture and Transport departments. In contrast the Home Office, Ministry of Justice and Law Officers’ Department have no England-only spending; but this same data (not shown in the Figure) finds that over 90% of each of their spending programmes relate to England-and-Wales-only. Fully UK-wide departments such as the Foreign Office, Ministry of Defence and Department for International Development are not included in the *Statement of Funding Policy* and are therefore wholly absent from the Figure.

Figure 8.1: Proportion of spending that is ‘England-only’ by UK government department (November 2015)



Key: DCLG = Department of Communities and Local Government; DfE = Department for Education; DH = Department for Health; DEFRA = Department for Environment, Food and Rural Affairs; DfT = Department for Transport; DCMS = Department for Culture, Media and Sport; BIS = Department for Business, Innovation and Skills; DECC = Department for Energy and Climate Change; DWP = Department for Work and Pensions; HMRC = HM Revenue and Customs; HMT = HM Treasury; MoJ = Ministry of Justice.

* Cabinet Office figure includes security and intelligence agencies.

We sketch out a possible structure following the establishment of a separately elected English Parliament in Table 8.3 (which, if the precedent from the UK government, Scotland and Wales were followed, would be determined by the First Minister and could be subject to variation over time). Here the English government would include the seven current predominantly England-only departments, together with a Finance Department. There might also be justice and social security departments, depending on whether policy powers in these areas were devolved or not (as discussed in chapter 6). The most obvious configuration would be for cabinet posts to correspond to these departments, and additionally include a law officer, equivalent to the Lord Advocate in Scotland and Counsel General in Wales, and a minister responsible for parliamentary business. Given England’s population size and the likely number of members of an English Parliament (see chapter 11) typical departments might include 3–4 ministers. That way there would be 30–45 ministers in a separate English government.

A separate English government along these lines would clearly have implications for the civil service. These could include physical implications, if the head offices of departments and their key personnel needed to relocate alongside an English Parliament (see chapter 13). Scottish and Welsh experience suggests that an English civil service, headed by a Permanent Secretary, should

be established. A large number of civil servants, perhaps even a majority depending on precisely which policy powers were devolved, would now work for the English rather than the UK government.⁴⁴ If Scottish and Welsh precedent was followed this would not result in a formal separation from the UK civil service. However, for almost all practical purposes the English civil service would operate independently; formal separation might eventually result. These factors again highlight the importance that the new English bodies would be seen to have, which would have a significant impact on the UK’s central institutions (see chapter 10).

Table 8.3: Possible departmental structure for a separate English government

Department	Responsibilities
Finance	English budget, devolved fiscal powers, public finances
Health and Social Care	Hospitals, hospital care, mental health, out-of-hospital care, procurement, public health, social care
Education	Adoption and child protection, apprenticeships and skills, early years, further education, higher education, schools
Justice*	Courts, police, prisons, criminal law
Social Security*	Devolved social security benefits
Business, Energy and Industrial Strategy	Business and innovation, employment, energy efficiency, renewable energy schemes, manufacturing, trade and inward investment
Environment, Food and Rural Affairs	Agriculture, fisheries, food, natural environment, rural affairs**
Transport	Buses, railways, roads, waterways
Housing, Communities and Local Government	Housing, local government, planning
Digital, Culture, Media and Sport	Arts and culture, broadcasting, creative industries, heritage, sport, telecommunications, tourism

Note: The lists of responsibilities in this table should not be taken as comprehensive.

* Only if policy powers in these areas are devolved to the English Parliament.

** The exact role of this department would be affected substantially by the nature of post-Brexit arrangements in areas such as agriculture, environmental protection and fisheries (see chapter 6).

Questions under the dual mandate model are again more complex, though changes would be less immediately radical if the UK government continued to act as England’s executive. Departments which are currently in practice England-only might remain largely unchanged, but with accountability switched to the English Parliament rather than the UK parliament. Over time, once UK and English activities were formally divided at parliamentary level, political pressure to also divide these at government level would probably grow (as discussed further in chapter 9). Departments that currently have a mix of UK-wide and England-only responsibilities (e.g. Home Office; Business, Energy and Industrial Strategy; Digital, Culture, Media and Sport; and Transport) would be held more clearly accountable if they were split. As discussed in chapter 7, similar tensions would apply to the Treasury and there might be pressures to create an English

Finance Department to set the English budget and exercise devolved fiscal powers. Despite the relative incrementalism of this model, it could hence gradually lead to some quite radical government restructuring, and perhaps significant political tensions in the process of achieving such a change.

Conclusion

Campaigners for an English Parliament have tended to provide only a limited amount of detail about its form and function. But alongside the English Parliament arrangements would be needed for an English government, and these consequences have been even less explored. As this chapter has shown, such considerations raise quite serious (and distinct) dilemmas for both models.

Governmental arrangements under the separately elected model seem relatively straightforward, and would probably follow patterns established in the existing devolved legislatures – where an executive is responsible to the elected legislature, and dependent on its support. Departments would be structured according to the English Parliament’s policy responsibilities, and some existing Whitehall departments might move wholesale (including relocation if necessary) to be responsible to it. As a consequence, a significant proportion of the UK civil service could end up working for the English government. Scottish and Welsh arrangements would suggest creation of a First Minister elected by the English Parliament, who would become a powerful and highly visible figure. Although these arrangements are internally coherent, they raise prospects of an English government coming to be seen as more powerful and important than the existing devolved bodies, and even the UK government itself.

In contrast, the dual mandate model’s key selling point is that it involves relatively little disruption, and most proponents suggest that the impact on governmental arrangements would be limited. One downside of this seemingly minimalist approach would be that it would not deliver the distinct ‘voice’ sought by many campaigners for an English Parliament, with Whitehall ministers continuing to speak for England as well as the UK, including in intergovernmental negotiations with the other devolved executives. At the same time, however, separating England-only business, on which ministers were accountable to a body comprising existing English MPs, from UK-wide business, continuing under current arrangements, could raise important anomalies. The most central is that the English Parliament would arguably not be a ‘parliament’ at all, as it would lack a formal confidence relationship with the government that reported to it. In practice, a convention might develop that UK governments needed to retain the English Parliament’s confidence, as they could otherwise struggle to legislate for England. But this would create major new inconsistencies with arrangements for Scotland, Northern Ireland and Wales, which could stoke resentment in those areas.

Although change would be less immediate under the dual mandate model, the desire for clear lines of accountability would probably create pressures for the restructuring of Whitehall, to

allow greater, and probably growing, separation of English and UK business at governmental level. The English government, whether it was created in one conscious step under the separately elected model, or emerged more gradually under the dual mandate model, would be a powerful body which could have destabilising effects of different kinds.

9. How business in an English Parliament would be organised

Having discussed the possible forms that an English government might take in the previous chapter, this chapter turns attention to the functioning of the English Parliament itself. The creation of a new legislative institution provides an opportunity to think about the best means to organise core functions such as holding the executive to account, scrutinising legislation, and representing the public. The establishment of the existing devolved bodies, particularly the Scottish Parliament, led to considerable reflection, and some explicit attempts to diverge from patterns of organisation at Westminster. Starting with a clean slate in the shape of a separately elected English Parliament would offer similar opportunities. A dual mandate English Parliament, on the other hand, would be more likely to adhere to Westminster norms, but would also raise some quite big questions about day-to-day operation. We conclude that consideration of these issues would ultimately deserve attention by a dedicated body focused on procedure prior to the establishment of an English Parliament. This chapter largely sets out the questions that such a body would need to address.

Existing UK experience

The devolved legislatures elsewhere in the UK were set up amidst calls for ‘new politics’ (Mitchell 2010). The Scottish Constitutional Convention (1995: 9) asserted that ‘the coming of a Scottish Parliament will usher in a way of politics that is radically different from the rituals of Westminster: more participative, more creative, less needlessly confrontational’. Scandinavian legislatures were often cited as a model to be emulated, while the UK parliament was seen as a ‘negative template’ (McAllister and Stirbu 2007, Mitchell 2000: 606). In Scotland detailed proposals that sought to realise this ‘new politics’ vision were drawn up by a group composed of politicians and civil society actors (Consultative Steering Group on the Scottish Parliament 1998), and then adopted following the first election. However, despite one early assessment which argued that the Scottish Parliament conformed to the model of a ‘Scandinavian-style’ legislature (Arter 2004), more recently a consensus has emerged that the devolved legislatures have more in common with Westminster than was envisaged (Cairney and Johnston 2013–14, Mitchell 2010). In the intervening years Westminster has also changed in important ways, and has adopted some procedural innovations not seen in the devolved bodies. An English Parliament might therefore learn useful procedural lessons both from the other devolved legislatures and the House of Commons.

The Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly are all full-time bodies, meeting regularly throughout the year. However, they spend less time in plenary than the UK parliament. While Westminster sits in plenary four to five days each sitting week,

the Scottish Parliament currently meets for three, with the mornings on those days dedicated to committee meetings.⁴⁵ In Wales and Northern Ireland the Assembly meets in plenary for just two days each sitting week, with committee meetings on a further two days.⁴⁶ This emphasis on committee work was one way in which the new bodies sought to get away from the perceived adversarialism of Westminster.

The emphasis on committees is also seen in the operation of the legislative process in the devolved legislatures. The committee stage of bills is in each case taken in committees with permanent memberships, unlike the ad hoc public bill committees in the House of Commons. In another departure these committees in Scotland and Wales view bills before they are debated in plenary, and conduct an initial inquiry, as well as conducting subsequent 'line-by-line' scrutiny. Most successful legislation originates with the executive, but the devolved legislatures have sought to create better procedures for consideration of backbench legislation (the equivalent of Westminster private members' bills), requiring members to develop and consult on their proposals prior to these being granted time for debate (Birrell 2012). In Scotland and Northern Ireland committees shadow ministerial portfolios, while in Wales they instead have thematic remits.⁴⁷ Wales has a Committee for the Scrutiny of the First Minister, which takes evidence from that postholder three times per year, while in Scotland (in an echo of the House of Commons Liaison Committee's relationship with the Prime Minister) this role is performed by the Conveners Group, comprising of committee chairs.⁴⁸ A key feature of the devolved legislatures is that committees carry out both legislative scrutiny and the kind of executive scrutiny conducted by Westminster select committees. In the House of Commons, members of select committees are now elected within parties, and committee chairs are elected on a cross-party basis by the chamber as a whole, following the 'Wright committee' reforms of 2010 (Reform of the House of Commons Select Committee 2009, Russell 2011). Committee chairs are also now elected in Wales. In Scotland these positions remain appointed, but a review of procedure in the Scottish Parliament has recently proposed moving to an elected model (Commission on Parliamentary Reform 2017).

Turning to other mechanisms for executive scrutiny, the devolved bodies hold oral question times with ministers, including First Minister's Questions (FMQs), echoing Westminster's Prime Minister's Questions (PMQs).⁴⁹ Standing orders restrict the scope of questions to matters relating to ministerial responsibilities (National Assembly for Wales 2017b, Northern Ireland Assembly 2016, Scottish Parliament 2017b), but this does not wholly preclude reference to issues beyond devolved legislative competence. For example, in May 2017 the Welsh First Minister was asked about 'the benefit to Wales if the UK Government were to borrow more to invest' and 'the current state of negotiations with the EU'.⁵⁰ Likewise all bodies have facilities for debates initiated by government, opposition parties or individual backbenchers. None has yet adopted the model of the Backbench Business Committee, established in the Commons following the Wright committee report, though the review of Scottish Parliament procedure recommended this (Commission on Parliamentary Reform 2017). In contrast, all three devolved bodies have a committee (named Parliamentary Bureau in Scotland, and Business Committee in Wales and

Northern Ireland) which proposes the main business for plenary sittings.⁵¹ This is similar to the ‘House Business Committee’ which the Wright committee proposed for the House of Commons in 2009, but which has not been implemented.⁵²

Members’ representative functions are fulfilled through their contributions to debates, questions and other scrutiny work, but also through constituency duties. In the House of Commons these duties – including casework, surgeries and meetings with local organisations – take up a considerable share of members’ time. The same is true of the devolved legislatures (Bradbury and Mitchell 2007). One controversy in the early years of devolution was the extent to which it created potential for duplication and even conflict between MPs and devolved members. Research demonstrated that this depended to a considerable extent on whether members were of the same party. Where they were, the relationship was usually co-operative, including liaison and sometimes sharing office space, but differences of party representation were likely to result in more conflictual relationships (Russell and Bradbury 2007). As discussed in chapter 12, the electoral system chosen for an English Parliament would have implications for patterns of constituency work.

Overseas experience

Given the degree of variety across the UK’s existing legislatures, and the fact that the devolved institutions actively sought to learn from good practice overseas, much of the lesson-learning for an English Parliament’s internal organisation would likely be domestic. As already noted, the structures taken up in Scotland, Wales and Northern Ireland were influenced by continental European legislatures – where, for example, it is commonplace for committees to combine the roles of legislative and executive scrutiny, and to have a permanent, specialist membership (Russell, Morris and Larkin 2013). The decision to begin bill consideration in committee, before plenary discussion, was also based on international best practice. Likewise at Westminster, the Wright committee’s proposals for a Backbench Business Committee and House Business Committee were influenced by practice in Australia and New Zealand, as well as Scotland.

Obviously a key difference between the English Parliament and the existing devolved legislatures would be the larger population that it represents. It is therefore interesting to consider whether sitting patterns and other arrangements tend to differ within a given country based on the relative size of sub-state units (though obviously, as discussed in chapter 5, the discrepancy in population sizes within the UK would be far greater than within any comparator). A brief survey of other systems suggests that legislatures for sub-state units with larger populations may sit more often compared to those with smaller populations, but that the extent of variation is small. For example in Australia the six state lower or single chambers all sat for between 43 and 59 days in 2016.⁵³ More generally, the procedures of sub-state legislatures display much variation, not only between countries but sometimes within them. It is common for procedures of sub-state legislatures to be similar to those of the central legislature. For example, the procedures of the German *Länder* legislatures provide, like the *Bundestag*, for parliamentary activity to take place

through party groups (Gunlicks 2003). Procedures in US state legislatures likewise have many superficial similarities with Congress, though on closer inspection there are also significant differences, as well as variation between different US states (Squire and Hamm 2005).

What English Parliament supporters have said

Supporters of the main models for an English Parliament have made only very limited comments about the issues considered in this chapter.

Some advocates of a dual mandate English Parliament have touched on possible sitting patterns, suggesting that the body would meet for one or two weeks per month when the UK House of Commons is not meeting (Clougherty 2007, UKIP 2010), or alternatively for part of each week, with the House of Commons sitting on other days of the week (Redwood 2006). However, proponents of this model have said nothing at all in public about the organisation of business, scrutiny mechanisms, committee structures and so forth. Their focus has primarily been legislation (and to a lesser extent finance), but even legislative processes have not been clearly set out. When asked about wider issues in interview one supporter thought it likely that there would eventually be separate English question times in areas such as health and education, and suggested that select committees with English-only remits should become committees of the English Parliament.

Supporters of the separately elected model have also said little about the work of such an institution, focusing instead on the in principle case for an English Parliament. It is perhaps surprising that proponents of this model have not so far sought to gather support by advancing the kind of ‘new politics’ agenda previously espoused by advocates of the existing devolved legislatures. This may reflect lesser dissatisfaction with Westminster’s culture and procedures among English Parliament supporters, in contrast to those who campaigned for the new bodies in Scotland and Wales. Some supporters might welcome continuity with Westminster, while others might prefer more radical change – but these issues have so far been subject to very little public discussion.

Procedural options and questions

As thinking on these matters is so underdeveloped, the remainder of the chapter focuses largely on questions that would need to be addressed following an in principle decision to create an English Parliament, rather than seeking to provide immediate answers. These questions are rather different for the two proposed models. With respect to the dual mandate model the central dilemma would be the extent to which it was desirable to disentangle English business from the other business of the House of Commons, and whether certain existing procedures should be replicated, disposed of, or shared. As becomes clear below, some of these questions become quite involved. In contrast, for the separately elected model, the key decision is the

extent to which to take advantage of the ‘blank slate’ provided by an English Parliament, to try and break away from certain aspects of Westminster culture and practice.

Questions for the dual mandate model

A dual mandate English Parliament would be a unique institution, with no direct precedent anywhere in the world. It is therefore difficult to find guidance about how it might operate, and a great deal would need to be worked out from scratch.

An initial question would be the sitting pattern for such a body. This would clearly be constrained by the fact that it would share members (and almost certainly a physical location – see chapter 13), with the UK House of Commons. English MPs would doubtless be reluctant to see an overall increase in number of sitting days. Hence some of the UK parliament’s current time would need to be allocated to the English Parliament. This would result in the new body meeting less often than the other devolved legislatures – despite England’s substantially greater population – and the UK parliament meeting less frequently than currently. As indicated by proponents, time might be divided either in terms of days or weeks. Separate sitting weeks – perhaps two per month for each body – would be more practical for Scottish, Welsh and Northern Irish MPs, who could avoid travelling to Westminster when the English Parliament was sitting. But this would lead to significant gaps in parliamentary scrutiny, when there was either no opportunity to scrutinise the government’s UK functions, or its English functions. This would severely curtail parliament’s ability to discuss topical issues, and likely prove controversial. Hence a pattern of dedicating some days each week to English business and others to UK business would probably be necessary, despite the inconvenience caused to non-English MPs.

A dual mandate English Parliament would need a presiding officer – raising the question of whether the Speaker of the House of Commons could double up in both roles. But this could cause problems given that the occupant of this office could potentially represent a non-English constituency. Hence some members would surely argue that the English Parliament should elect its own presiding officer and deputies. But new questions would immediately arise. For example, should the members elected to these positions be free to participate and vote in UK parliament proceedings as backbenchers? Should the same apply to the UK Speaker and deputy speakers in the English Parliament? Some similar questions would arise with respect to parliamentary staff – in terms of whether the same people would service both institutions, or they would be serviced separately. These are just a couple of examples of the kind of knotty issues thrown up by the detailed procedural operation of the dual mandate model, which would need to be resolved.

It seems to flow from the dual mandate model that select committees shadowing England-only departments, for example those covering health and education (see chapter 8), would become part of the English Parliament. MPs representing non-English seats would hence be excluded from sitting on these committees – which would represent a change to recent practice given that the Scottish National Party has been entitled to, and taken, seats on committees with principally or entirely English remits since 2015. It would logically follow from the establishment of

England-only committees that these bodies would reflect the party balance of MPs across England rather than the UK as a whole. Meanwhile if departments with a mix of English and non-English competences continued to exist these committees would initially need to remain part of the UK parliament, but would continue to examine some England-only issues, which could generate pressure over time for more separation at governmental level.⁵⁴

A changed party balance might have little practical effect on the culture of select committees, which tend to operate relatively consensually and produce cross-party reports. But it would matter far more to the dynamics of public bill committees. The simplest change would be for the English Parliament to create ad hoc bill committees on the current model, and to retain a legislative process similar to now – though the opportunity would exist for more radical experimentation and divergence from the current model (as further discussed below). The role that the House of Lords would have in this process is not straightforward, and is discussed in chapter 11.

Other aspects of Westminster procedure might well also be duplicated. For example time for private members' bills would be limited, but presumably would need to be found in the English Parliament as well as in its UK counterpart, with separate ballots in each.⁵⁵ This might open up controversies about private members' bills being taken in 'prime time', which has been occasionally discussed but always resisted as it would inevitably create pressure for further procedural (and cultural) changes (see Procedure Committee 2013). Questions about whether separate opportunities for 10-minute rule and presentation bills should exist in a dual mandate English Parliament would also arise.

As with select committees, it would seem necessary for question time arrangements to change in line with new departmental responsibilities. Question sessions to ministers from England-only departments would take place on English sitting days, hence excluding MPs representing non-English constituencies. Meanwhile, if departments with a mix of UK (or England and Wales) and England-only competences remained, questions to them would initially continue in the UK parliament, but since many questions to these departments would remain England-only this would again feed further pressure for clearer division of responsibilities at governmental level. English Parliament days might also allow urgent questions and statements on England-only issues. The Prime Minister would continue answering PMQs in the UK House of Commons, though some might press for PMQs to also occur in the English Parliament, perhaps particularly if it had a differing partisan majority to that across the UK.

Various other awkward procedural questions arise, for example regarding whether the English Parliament should have separate committees on Backbench Business, Petitions and Procedure, or would share these arrangements with the UK House of Commons. There would presumably be some desire for backbench business in the English Parliament, but for this to be scheduled by a committee including non-English MPs would be strange. Likewise the chairs of English Parliament committees could form an English Liaison Committee, able to hold evidence sessions with the Prime Minister on England-only issues. Other debates, such as opposition days and

debates in Westminster Hall, might also need to be divided between the UK and English bodies. Where the UK government lacked an English majority it would clearly be vulnerable to defeat in debates ending with a substantive vote, which could potentially include motions of no confidence in the government, as discussed in chapter 8.

There is no reason to think that creation of a dual mandate English Parliament would have any significant effect on levels of constituency work. However, since English members would be sitting in two bodies, one of which Scottish, Northern Irish and Welsh MPs were excluded from, political and media attention might well turn to the workload of the non-English members. This could result in renewed pressures on the levels of salary and allowances payable to these members, as occurred in the early years of devolution (see Russell and Hazell 2000).

Questions for the separately elected model

Questions on a similar set of issues apply with respect to a separately elected English Parliament, but the directions that they point in are often rather different.

Such a body would presumably be a full-time legislature, in line with arrangements in the UK's existing devolved legislatures. Given that it would be a larger body, there could be pressures for it to meet in plenary more often, in order to allow time for all members that wish to do so to contribute to debates. But a key design decision would be the extent to which the English Parliament should to be plenary- or committee-focused.

The new body would choose its own presiding officer, who might be titled 'Speaker' (as in Northern Ireland), or simply 'Presiding Officer' (as in Scotland and Wales). All of these institutions have retained the important Westminster tradition that such postholders are expected to act neutrally in the chair and not vote in divisions. It would be sensible for the same to also apply in the English Parliament. Both at Westminster and in the other devolved bodies, presiding officers are elected, which would also be an important precedent to follow.

A major question for a separately elected English Parliament would be how to organise committees, both for executive and legislative scrutiny. Common practice is to have a set of committees shadowing government departments, as in Westminster, Holyrood and Stormont (though those at Cardiff Bay follow a slightly different logic). Committee structures would naturally avoid reserved matters such as foreign affairs and defence, except as far as they pertain particularly to England – for example, both the Scottish Parliament and National Assembly for Wales have committees examining the implications of Brexit.⁵⁶ A particularly important question is whether these committees should combine legislative and executive scrutiny (as is the case in the other devolved legislatures), or whether there should be separate bill committees and executive scrutiny committees (as at Westminster). As noted above, the devolved assemblies follow the international norm, but concerns have been expressed that some committees are overloaded with executive legislation, resulting in difficulty carving out their own agendas

(Commission on Parliamentary Reform 2017). The select committees are a highly-regarded part of the Westminster system, and there might be some desire to replicate them.

In contrast, House of Commons bill committees are frequently criticised, given their ad hoc nature and non-specialist membership (Russell, Morris and Larkin 2013). Whether or not an English Parliament chose to merge executive and legislative scrutiny committees, this offers a major opportunity for review. Likewise, it would be worth considering the merits of bills starting their passage with examination in committee before the initial plenary stage (as in Scotland and Wales). When establishing the procedures for the new legislatures this was seen not only as fostering a consensus-based ‘new politics’, but also as a means of partially compensating for the absence of a second chamber (Arter 2004). As a separately elected English Parliament seems likely to be unicameral (see chapter 11), there would be strong arguments for permanent committees to play a significant role in the legislative process.

Other opportunities to improve on the perceived defects of Westminster would include a new mechanism for backbench members to introduce bills (see e.g. Brazier and Fox 2010, Walker 2016). The systems used in the existing devolved legislatures offer one possible model, though the Scottish experience suggests that outcomes do not in practice to markedly differ from those at Westminster (Cairney 2006). Another possible innovation would be the introduction of committee bills (as also exist in Scotland, but are rarely used). Likewise, designers of a new institution would want to consider introduction of a ‘business committee’ for agreeing the weekly agenda, as was proposed by the Wright committee (Russell 2011). However, the Wright committee identified that the more important decision in practice is whether there should be a vote on the proposed plenary agenda, as occurs in Scotland (in contrast to the House of Commons ‘business statement’ which is presented as a *fait accompli* by the Leader of the House). The English Parliament might well want to learn from Westminster by establishing a Backbench Business Committee and protected time for debating and voting on backbench motions, in addition to time for opposition debates, and those proposed by individual members. There would almost certainly be some kind of system of question times, including questions to the First Minister.

Members of a separately elected English Parliament would almost inevitably seek to undertake constituency work. To perform this role effectively, alongside their parliamentary duties, would require a sufficient allowance to employ staff both in the legislature and the constituency. In Scotland this allowance is set at £87,300 and in Wales at £96,995, compared to the £150,900 for members of the UK House of Commons (Independent Parliamentary Standards Authority 2017, Remuneration Board of the National Assembly for Wales 2017, Scottish Parliament 2017a).⁵⁷ This range would provide an obvious benchmark for allowances in an English Parliament. As a consequence, pressure might emerge for the UK allowance to simultaneously be reduced, though in practice UK MPs would have grounds to resist this, as their constituency size is likely to increase (see chapter 12), meaning that on balance there is little reason to think that their constituency workload would decline. Indeed, as discussed in chapter 12, there could be some

additional pressures created due to competition over constituency work between UK MPs and members of the English Parliament.

Conclusion

Both the dual mandate and separately elected models for an English Parliament raise major procedural questions about how such a body should be organised. The most important of these are different in each case. Starting with the dual mandate model, there are tricky questions both about timing of sittings and about the extent to which the existing arrangements and mechanisms (e.g. parliamentary staff, the Speaker and deputies, question times, select committees, and bodies such as the Procedure Committee) could be shared. Duplication of such things might seem quite inefficient, but sharing raises difficult boundary issues and could lead to disputes. The desire to have a clear division between England-only question times and committees and those for the whole UK would probably drive demands for separation at the governmental level well beyond those envisaged by proponents of the model. Only in terms of constituency work, where no change would be necessary, does this model completely live up to proponents' claims of simplicity and lack of disruption – though even here pressures might emerge for salaries and allowances to non-English MPs to be reduced, which such members would find unwelcome.

Issues to be resolved regarding the separately elected model are to an extent more clear-cut, but equally wide-ranging. Starting with a 'blank slate' would provide a major opportunity for rethinking the most desirable arrangements for organising parliamentary business, as occurred when designing institutions for the other devolved areas. An English Parliament would have the opportunity to learn from those institutions, as well as from Westminster and overseas. Proponents of an English Parliament have said very little about whether they would want to mirror Westminster arrangements, or break free from them in certain respects – opportunities to do either would exist, particularly under the separately elected model.

The range and complexity of procedural and organisational questions arising from either model are far beyond the scope of this report. In the event that establishment of an English Parliament became a serious prospect, it would be sensible to establish a body to review such options in closer detail, take evidence and report. This would echo the approach taken when establishing the new arrangements in Scotland, through the Consultative Steering Group on the Scottish Parliament (1998). After an English Parliament had actually been established, its members would have the ability to develop the agreed procedures further.

10. The implications of an English Parliament for the UK's central institutions

Under the two models for an English Parliament explored in this report the UK's central institutions would continue to have a significant role. This would include responsibility for various key areas such as foreign affairs, defence and security, as well as many aspects of fiscal and economic policy, probably including a major role in financing the devolved institutions (see chapters 6 and 7). But while the establishment of new legislatures in Scotland, Wales and Northern Ireland brought relatively little change to the centre, establishment of an English Parliament would inevitably have big consequences for the UK government and parliament, and for relationships between the UK's constituent parts. At a minimum there would need to be changes to departmental structures and to parliamentary business. More substantial changes to the structure of government and parliament would probably also be thought necessary, including (but not necessarily confined to) reductions in size, and a significant overhaul of intergovernmental arrangements. Fundamentally, the triggering of 'devolution all round' by creation of an English Parliament, coupled with the resultant loss of very substantial policy responsibility from the UK institutions, would necessarily spark the kind of wholesale debate about the nature of the UK territorial state which has still not taken place since Labour's programme of devolution. This would raise questions about a move to formal federalism, and the possible reopening of the existing devolution settlement.

Existing UK experience

The establishment of the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly resulted in relatively little alteration to the UK's central institutions. In government the main change was to the roles of the already existing Scottish, Welsh and Northern Ireland Offices, whose responsibilities were mostly transferred to the devolved level. Despite calls for the abolition or merger of the scaled-back territorial departments in Whitehall, and their respective secretaries of state, this did not happen (Hazell 2001). Instead they took on a function of co-ordinating relations with the devolved administrations, while continuing to represent the nations in the UK government and the UK government in the nations.

For the UK parliament the obvious change was that it no longer considered Scottish and Welsh legislation, but this had only taken up a small minority of parliamentary time previously (Russell and Hazell 2000). The West Lothian question came more into focus, as discussed in chapter 5, but no procedural change resulted until English votes for English laws (EVEL) procedures were introduced in 2015 (Gover and Kenny 2016). The number of Scottish MPs was reduced from 72

to 59 in 2005, ending Scotland's previous over-representation in the House of Commons (Trench 2005), though no change was made to representation of Wales and Northern Ireland.

Since devolution in the late 1990s there have been repeated proposals that the House of Lords should be reformed, often with suggestions that a new second chamber should in some way reflect the territorial settlement. Most notably, this was advocated by the Royal Commission on the Reform of the House of Lords (2000), which proposed a mixed elected-appointed chamber, with elections using regional boundaries. Similar suggestions have subsequently been made in various government papers (Cabinet Office 2007, 2011, Lord Chancellor's Department 2001, Ministry of Justice 2008). Some have suggested that members of a reformed second chamber should be elected 'indirectly', by members of the devolved legislatures themselves. However, there has been little enthusiasm for such proposals (including from those institutions). In any case, for various reasons, major reforms to the House of Lords have stalled (Russell 2013).

New intergovernmental relationships necessarily resulted from devolution to Scotland, Wales and Northern Ireland (Swenden and McEwen 2014). The institutional machinery includes a Joint Ministerial Committee (JMC), consisting of the leaders of the UK and devolved governments, and the British-Irish Council, on which the Republic of Ireland, Channel Islands and Isle of Man are also represented. These meet relatively infrequently and the most important negotiations have been conducted bilaterally. Initially intergovernmental relations were relatively harmonious, partly because until 2007 the UK, Scottish and Welsh governments were all Labour-led. However, developments following the election of an SNP government in Scotland and Conservative-led governments at UK level have fed greater intergovernmental conflict. Most recently during the Brexit negotiations the Scottish and Welsh governments have been highly critical of the UK government's stance, and have demanded greater input through the JMC (Jones 2017, Sturgeon 2017).⁵⁸

This degree of relative continuity was possible following devolution to Scotland, Wales and Northern Ireland given the relative size of these parts of the UK, and the fact that they already had separate administration to a large extent before the 1990s. Much of what Whitehall and Westminster does continues to concern the governance of England. If that were to change, through establishment of an English Parliament (and possibly an English government), the need to review existing arrangements at the UK level would be far greater.

Overseas experience

The typical policy responsibilities of central governments in decentralised states include international relations, defence, national security, immigration systems and many aspects of fiscal, economic and monetary policy (see Table 6.2, chapter 6). Even in highly decentralised systems, the central level often retains wider influence beyond these areas through its ability to make financial grants to sub-state governments (see Table 7.2, chapter 7). The widespread nature of schemes of this type may be explained partly by electoral politics, with politicians at the

central level incentivised to influence policy in areas such as health and education which are highly salient for citizens. To date, such arrangements have not featured in UK devolution, but of course Whitehall and Westminster still retain full legislative powers for England – the UK’s biggest component part.

Table 10.1 shows that among our comparator countries central governments have cabinets ranging from 14 members (Austria and Belgium) to 30 members (Canada). The current UK cabinet, at 23 members, is within this range.⁵⁹ Notably these cabinets often include ministers with portfolios covering areas where legislative powers are principally held by the sub-state level, reflecting the tendency for the centre to seek to influence policy in these areas. The Australian cabinet, for example, includes a Minister for Health and a Minister for Education, despite these competences being exercised by the states.⁶⁰

Table 10.1: Central institutions in comparator countries

Country	Number of cabinet members	Structure of legislature	Number of members of lower chamber of legislature	Number of members of upper chamber of legislature	Principle of representation for distribution of seats in upper chamber**
Australia	21	Bicameral	150	76	Equality
Austria	14	Bicameral	183	61	Weighted
Belgium	14	Bicameral	150	60	Population
Canada	30	Bicameral	338	105	Weighted
France	17	Bicameral	577	348	Weighted
Germany	16	Bicameral	709*	69	Weighted
India	27	Bicameral	545	245	Weighted
Italy	19	Bicameral	630	320	Population
Spain	15	Bicameral	350	266	Weighted
USA	16	Bicameral	435	100	Equality

Source: Most information on central legislatures was sourced from the Inter-Parliamentary Union’s Parline database, <http://www.ipu.org/parline-e/parlinesearch.asp>, accessed 21 August 2017.

* Following the 2017 election. Under the version of the AMS electoral system used in Germany the size of the *Bundestag* is not fixed, with additional seats added to the minimum 598 to maximise proportionality.

** ‘Equality’ means each principal sub-state unit has the same number of seats in the upper chamber; ‘Weighted’ means units with smaller population sizes are deliberately over-represented but do not have the same number of members as units with larger population sizes; ‘Population’ means there is no deliberate over-representation of smaller units.

Table 10.1 also includes information about the legislatures in our comparator countries. Notably all 10 are bicameral. This is partly due to the fact that bicameralism is the norm in federal systems, with the second chamber often composed of members representing the sub-state units in some way (Coakley 2014). For example, the US and Australian Senates are directly elected, the Austrian *Bundesrat* comprises members elected by sub-state parliaments, and the German *Bundesrat* comprises representatives of sub-state governments. Such ‘territorial’ second chambers also exist in many other decentralised, but non-federal states (Russell 2001). One common

feature of these systems is deliberate over-representation of smaller units, in order to prevent the larger units from becoming too dominant. The second chamber therefore acts as a kind of rebalancing mechanism, as well as a forum within which sub-state policy interests may receive particular attention. Turning to the lower chambers in our comparator countries, it is notable from the table that, despite bicameralism and decentralisation, these typically have a relatively large number of members. Central legislatures hence remain key institutions, even where substantial powers are exercised at sub-state level.

Decentralised systems usually have arrangements for intergovernmental relations (IGR). In federal systems the principal mode of IGR is generally co-ordination and negotiation between sub-state governments (Bolleyer, Swenden and McEwen 2014), which often takes place through regular multilateral meetings, at which the central government is sometimes also represented. It is common for these arrangements to encompass both meetings of the leaders of executives and meetings of sectoral ministers. One example is the Council of Australian Governments (COAG), which meets in plenary once a year while eight COAG Councils covering various policy areas meet more often.⁶¹ In Germany similar arrangements exist although, unusually, the role of intergovernmental co-ordination is also fulfilled partly by the *Bundesrat* (Auel 2014). In non-federal decentralised systems, where sub-state units tend to be more reliant on the centre, bilateral relationships, are typically more important than multilateral ones (Bolleyer, Swenden and McEwen 2014). For example, in Italy only very weak multilateral intergovernmental machinery exists (Palermo and Wilson 2014).

What English Parliament supporters have said

The dual mandate model for an English Parliament seeks to create a new body made up of members of the UK parliament, and to make explicit the UK government's dual role as both the UK and English executive. This would clearly have major implications for how the centre operates. However, proponents often wish to present this as a 'simple' solution, which could be implemented with little constitutional upheaval (Pirie 2016: 29). They tend not to indicate much further structural change beyond the establishment of the English Parliament itself – not, for example, suggesting any change to the overall number of MPs, to the role of the House of Lords, or to the structure of the executive. Some proponents have suggested that the role of MPs representing constituencies outside England might change – hence in setting out his 'partial federation' model, Welsh Conservative AM David Melding (2009: 245) commented that 'the non-English members would specialise in UK and foreign affairs rather as if they were in a federal parliament'.

Supporters of a separately elected English Parliament generally favour a reduction in the size of the UK parliament (and, by implication, government), and often seek to counter the claim that change would result in an expensive additional layer of politicians. The Campaign for an English Parliament (CEP) has argued that '[t]he collective number of MPs, Union and English Parliament, must not be increased unless there is a clear and defensible benefit in it for the

paying electorate’ (Campaign for an English Parliament nd). Likewise Labour MP Frank Field (2014) has written that his proposals would aim to ‘simplify the present structure of government and do so at nil cost’.

A common suggestion for how this might be achieved is that one chamber of the UK parliament should be abolished to make way for the English Parliament. Hence UKIP’s most recent manifesto stressed that the changes proposed would ‘reduce the number of politicians eligible to sit in the legislature from 1475 to 700’, due to the abolition of the House of Lords (UKIP 2017: 60). Conservative MP Teresa Gorman (1999) suggested that the Lords chamber could be occupied by a UK parliament of ‘surely no more than 109 elected representatives – one for each county’, while Frank Field (2014, 2017) has proposed a particularly peculiar variant of this model, whereby the Lords is replaced by a ‘Senate’ – made up of a mix of directly elected members from the four nations and indirectly elected representatives – serving a dual function as both the UK parliament and the second chamber for the devolved legislatures. UKIP’s 2017 manifesto proposed that the Commons chamber should remain home to the UK parliament, reduced to 325 members elected by proportional representation, while the English Parliament would occupy the Lords chamber. David Melding (2009), in his ‘full federation’ model, was unusual in suggesting that the UK parliament would ‘probably’ remain bicameral, though he envisaged the House of Commons being reduced to approximately 300 members and the House of Lords becoming a territorially constituted second chamber.

Various other proposals for how the central legislature might be structured were suggested in responses to our consultation. With some exceptions, supporters of an English Parliament generally favoured a substantial reduction in the size of the UK parliament, often to unicameral body of 200 to 400 members. A minority of respondents even suggested that there should effectively be no directly-elected UK parliament at all, with UK policies instead discussed through another mechanism, for example a monthly coming together of the four national cabinets, or an indirectly-elected chamber composed of members of the four national legislatures. These proposals, like those of Frank Field above, would be completely unique internationally.

Beyond this, English Parliament supporters have said little about intergovernmental machinery. However, as has already been noted, advocates of a separately elected institution, particularly members of the Campaign for an English Parliament (2013, 2016), have repeatedly drawn attention to the absence of English representation on the JMC and British-Irish Council. They would clearly expect this to change once an English Parliament had been established. Some English Parliament supporters have advocated a move to ‘federalism’, but have specified this in only the loosest possible terms.

Powers and financial arrangements

The possible division of policy powers and financial arrangements for an English Parliament were discussed in detail in chapters 6 and 7. This section briefly sets out the likely effects on the competences of UK-wide institutions. Among the most obvious areas that would remain reserved to the centre are international relations, defence, international development and international trade. In addition, the central level would almost certainly remain responsible for national security and counter-terrorism, borders and immigration, national infrastructure (including external transport and communications), pensions and aspects of economic regulation, employment and product standards. The UK government would also probably have a role in areas such as agriculture and fisheries, though there is much uncertainty about exactly what will develop as a result of the Brexit process. Other areas where the centre might or might not have responsibility include policing, justice and some aspects of the social security system. For a list of likely reserved powers see Table 6.3 in chapter 6.

Despite a degree of fiscal devolution, the UK level would also probably continue to be responsible for many of the main taxes, including corporation tax, national insurance, inheritance tax and capital gains tax. It would set VAT rates and take a share of resulting revenues. Monetary policy would also be a central government competence, although the independent Bank of England (which despite its name, is of course a UK-wide institution), rather than the government, sets interest rates. In practice a key financial lever at the disposal of central government would be its responsibility for providing some of the funding for the devolved level, including to an English Parliament (see chapter 7). Depending on what model was used the UK government might be responsible for setting an annual block grant, the size of which would clearly have major implications for devolved policy. In addition, as discussed in earlier chapters, the UK government could seek to influence devolved policy through conditional grants of a type not so far seen in the UK but common overseas. However, such encroachment would almost certainly be resisted by politicians in the existing devolved areas.

Advocates of an English Parliament have sometimes implied that the central level would be left with little business following establishment of such a body. Teresa Gorman (1999: 23), for example, suggested that her 109-member UK parliament would merely ‘deliberate on foreign affairs and defence’. This impression was also evident in responses to our consultation, with many consequently suggesting a small UK parliament that would meet less frequently than now. In fact, the likely powers outlined above suggest that, while clearly having reduced responsibilities, the central level would retain critically important functions. Overseas experience shows little precedent for a marginalised central level. Nonetheless, as discussed in previous chapters, UK arrangements are unusual for transferring areas such as health and education wholesale to the devolved institutions, leaving little scope for central government involvement. If the centre lost these policy competencies with respect to England, its powers and status would be severely hit. Unless the settlement was adjusted to introduce more shared powers in such

policy fields, the risk of the centre being eclipsed by an English Parliament is far higher than in other decentralised states – particularly given England’s disproportionate size.

The structure of the UK government

As already noted, the establishment of the existing devolved legislatures had only a very limited impact on the structure of the UK government. Creation of an English Parliament would have far greater repercussions, given that many current departments and ministers have English-only responsibilities that would become devolved. Some restructuring hence seems inevitable – especially under the separately elected model, but perhaps also under the dual mandate model.

If present practice were followed, the UK government’s departmental structure would continue to be decided by the Prime Minister of the day, and hence be subject to variation. But we can sketch out a plausible scenario for illustration, based on the extent to which existing departments are likely to continue to perform UK functions. Starting with the consequences of a separately elected English Parliament, such a scenario is displayed in Table 10.2 (for a possible structure for an English government see Table 8.3, chapter 8).

Table 10.2: Possible departmental structure and responsibilities of UK government following establishment of a separately elected English Parliament

Department	Responsibilities
Treasury	Economic policy, budget setting and financial control
Foreign and Commonwealth Office	International relations
Home Office	National security, counter-terrorism, immigration, policing**
Defence	Armed forces, defence procurement, defence personnel
Work and Pensions	Non-devolved social security benefits, pensions
Justice**	Courts, prisons, criminal law
Infrastructure	External transport, energy, communications
International Trade	Trade and investment policy, free trade agreements
International Development	International aid programmes
Environment and Food*	Agriculture, environmental protection, fisheries
Intergovernmental Relations	Oversight of devolution
Cabinet Office	Co-ordination, miscellaneous policy responsibilities
Law Officers’ Department	Legal advice

Notes: The lists of responsibilities in this table should not be taken as comprehensive.

* The exact role of this department would be affected substantially by the nature of post-Brexit arrangements in these areas (see chapter 6).

** Only if policy powers in these areas are reserved to the UK parliament.

Departments that currently have predominantly or exclusively UK-wide responsibilities would clearly remain part of the UK government.⁶² Whether or not there would be Justice and Environment departments would depend on the nature of powers devolved to an English Parliament, as discussed in chapter 6. In contrast, it seems unlikely that the Health and Social

Care, Education and Housing, Communities and Local Government departments would be retained at UK level – although the UK government might well want to keep a foothold in these policy areas, including through the kind of ‘grant-in-aid’ schemes mentioned above. With respect to departments currently enjoying a mix of English and UK responsibilities, including Transport, and Business, Energy and Industrial Strategy, a combined Department for Infrastructure might usefully be established to take on the UK parts – such departments exist for example in Australia and Canada. A key question would be what happened to the existing territorial departments, whose merger has been long called for by commentators such as Hazell (2001). The establishment of an England Office, and Secretary of State for England, would complicate an already messy arrangement, so the opportunity could be seized to consolidate and create a Department for Intergovernmental Relations. But there would no doubt be political pressures to maintain representation of each nation in the cabinet, and the case of Northern Ireland is particularly delicate. Alongside the Prime Minister, plus ministers with responsibility for parliamentary business, this departmental structure would result in a cabinet of around 15 members rather than the current 23. The reduced responsibilities of some departments would lead to a more substantial reduction in the total number of ministers, perhaps to around 60 rather than the roughly 120 there are now (Maer and Kelly 2017). Clearly, as discussed in chapter 8, the impact on the civil service of these arrangements would be significant. The staff of some whole departments would need to transfer to the English government, while other departments would be significantly slimmed down.

The discussion above relates to a separately elected English Parliament. In contrast the dual mandate model is advocated by supporters partly based on the lack of disruption to governmental structures that would be required. But even if there continued to be a single UK government, pressures would almost inevitably emerge for structural change. As discussed in chapter 9, once UK and English activities had been formally divided at parliamentary level there would be calls for this to happen more systematically at government level as well. We also note in chapter 7 the likely pressures for separate financial accounting for English and non-English matters. In order to ensure clear lines of responsibility to the English Parliament and the House of Commons under this model, division within departments to create ministers with England-only responsibilities – and ultimately creation of separate England-only departments and UK-wide departments (including, for example, an Infrastructure department) – seems likely.

The structure of the UK parliament

Were an English Parliament on either model to be established, it would take over a significant proportion of the UK parliament’s current responsibilities. This would clearly leave the latter with reduced business – since England-only legislation and other matters such as debates, question times and select committees would now take place in the English Parliament. Yet the UK parliament would clearly still have significant responsibilities, including monitoring the work of the departments set out above. In practice some time freed up by the loss of England-only responsibilities would probably be filled by increased time spent on UK matters. International

experience certainly does not present examples of central legislatures struggling to find sufficient business to discuss.

Nonetheless, as things stand the UK parliament, including both the House of Commons and the House of Lords, has more members than any other comparable central legislature. If a significant portion of the UK parliament's responsibilities passed to a separately elected English Parliament this would become more difficult to justify. There are hence two questions raised by this model: about the size of the House of Commons following the establishment of an English Parliament, and about the size, structure, and even the continued existence of, the second chamber.

Starting with the House of Commons, it would be clearly be important that there were sufficient backbenchers to serve on committees and that the institution did not become overly dominated by the government and opposition frontbench. At a minimum, a clear majority of members should be backbenchers, and places on scrutiny committees should be populated without members needing to sit on multiple committees. This could be achieved by a House of Commons of between 300 and 350 members. With approximately 60 ministers in total, as indicated above, around 45 would sit in the Commons if the UK parliament remained bicameral. There would be a similar number of frontbenchers from the official opposition, plus more from minor parties, bringing the total number of frontbenchers to around 110. Based on our departmental structure above, and assuming that departmental select committees would continue to have 11 members, approximately 150 other members would be needed to serve on committees.⁶³ This suggests that at a minimum the House of Commons should have 260 members. More than this would be preferable, to ensure adequate backbench capacity and also to prevent single-member constituencies becoming unmanageably large. In chapter 11 we suggest that a separately elected English Parliament might have 300 members. A House of Commons of 300–350 members would ensure that the combined size of the two elected chambers would be no greater than the current size of the House of Commons (i.e. 650), thus countering the argument that an English Parliament would result in an expensive increase in the number of politicians. Assuming that the House of Commons continued to be elected by first past the post, this would require a rough doubling in the geographical size of constituencies.

A reduction in the number of English MPs would be wholly understandable in the context of creation of a new separately elected English Parliament. With larger constituencies, but reduced policy responsibilities, these MPs' workloads might remain roughly stable. But tensions could well arise over a commensurate reduction in the number of MPs from other areas. Equity demands that roughly equally sized constituencies are retained across the UK, but this would require the number of Welsh MPs drop to only around 20, and the number of Northern Ireland MPs to just nine; the number of Scottish MPs would reduce to approximately 30. The devolved areas might well protest about such a change. Of course, members in these areas (unlike those in England) would see their constituency size double without any obvious decrease in policy

responsibilities, since matters such as health and education are already devolved for their constituents.

Under the dual mandate model there would be no obvious need for a decrease in the number of English MPs, and the organisation of the UK House of Commons could potentially remain unchanged in many respects (though for complications see chapter 9). On days when sitting as the UK House of Commons the scope of committees, questions, debates and legislation would clearly be restricted mostly to ‘reserved’ areas. A far bigger question arises under this model with respect to the role of the House of Lords. As discussed in chapter 11, this applies to the feasibility of the Lords having a role in the business of the English Parliament, which could drive pressures for Lords reform. It would be natural for such a role to continue by default on UK-wide matters, leaving unchanged the Lords’ relationship with the ‘new’ House of Commons. However, the Lords’ input into the kind of matters that the House of Commons would be left with under a dual mandate arrangement is already relatively limited. There is little legislation on foreign affairs and defence, while the Lords by convention (and statute, with respect to ‘money bills’) is excluded from legislation on key financial and taxation matters. The chamber does play an important role in executive accountability in some of these areas, but its exclusion from England-only matters (were this to occur) would reduce its policy scope very significantly – even more than would be true of the House of Commons.

The role of the Lords would also inevitably be questioned under the separately elected model. The size of the chamber is already considered excessive, and would surely at a minimum be expected to reduce in line with the House of Commons.⁶⁴ More fundamentally, a move to ‘devolution all round’ would inevitably reignite debates about the merits of replacing the Lords with a territorial second chamber. As indicated above, various models for this have been explored during the long years of debate on Lords reform since 1997. Despite the tendency in federal systems for territorial second chambers to over-represent smaller units, most UK proposals of this kind to date have anticipated membership – whether elected or appointed – which was population-based. But in circumstances where there were new fears of a resurgent English dominance, and particularly if the representation of Scotland, Wales and Northern Ireland was reduced in the Commons (as discussed above), there could well be demands from these areas for using seats in the second chamber to perform a classic function of protecting the smaller units. Here it is very difficult to see how England’s 85% population share could be handled, as equal representation for the four nations seems impractical given their huge discrepancies in size. But in fact any over-representation for the smaller devolved areas would provoke controversy in England, particularly given these areas’ differing party systems, which would hand what some would see as ‘disproportionate’ influence in UK affairs to groups such as the SNP and DUP. On the other hand, the devolved areas might well not accept representation on a purely population basis.

To avoid such potentially intractable arguments an alternative is obviously for the UK parliament to become unicameral in response to creation of an English Parliament. As indicated above, this

has been suggested by various proponents. But such a change would be radical, and very much out of line with international practice, where decentralisation in larger states (and particularly federal ones) is closely associated with bicameralism. Hence it is clear that creation of an English Parliament would raise various very big questions about the future of the Lords. Resolving these would be far from easy given the historic blockages to Lords reform.⁶⁵ Even the necessary changes to the House of Commons could prove a major challenge.

Intergovernmental relations, and a federal UK?

In theory, the UK's existing intergovernmental machinery could adapt incrementally to establishment of an English Parliament. Under the dual mandate model there would be no immediate need for change; in the absence of a distinct English government UK ministers would by default continue to represent both England and the UK in such forums. But this situation would be more transparently anomalous than it is now, and would if anything increase frustration among those English Parliament supporters who demand separate English 'voice' in intergovernmental forums. This same problem would not occur following the establishment of a separately elected body, and the English First Minister could theoretically just join the existing members of the JMC and British-Irish Council. However, these institutions have been widely criticised, even under the current devolution arrangements, and their shortcomings would become immediately clearer under a system of 'devolution all round'.

The current UK intergovernmental arrangements have not provided forums through which much successful negotiation has taken place, or co-ordination been achieved (Swenden and McEwen 2014). In the context of Brexit they have recently been described as 'inadequate' by the Welsh Government (2017a), and the establishment of a separately elected English Parliament would clearly require more robust procedures. Brexit has already sparked discussion about change, since intergovernmental coordination is needed regarding the process itself, and that need is likely to continue afterwards in order to operate new UK-wide policy frameworks. The Welsh government (Ibid.) has proposed a 'UK Council of Ministers', based on decision-making where the votes of the UK government and one devolved government would be sufficient for an affirmative decision. This of course assumes that the UK government would be acting for England, as well as the UK. If there were a separate English government a similar arrangement might require the votes of the UK government and two devolved governments – which would provide some safeguard against the English dominance that many in Scotland, Wales and Northern Ireland fear, as well as preventing the UK government from imposing decisions. Under 'devolution all round' there would be need for far more regular meetings than have historically occurred – including sectoral meetings of ministers with equivalent responsibilities as well as plenary meetings attended by the UK Prime Minister and the four First Ministers. The development of multilateral institutions of this type would be consistent with experience in other countries that have experienced increasing decentralisation (Aja and Colino 2014, Bolleyer, Swenden and McEwen 2014).

In practice, a fundamental shift to devolution across all areas would move the UK far closer to federalism. What exactly constitutes a federation is contested (see chapter 5), but the new arrangements under either of the models discussed in this report would almost certainly be referred to as ‘federal’ by some politicians and media commentators. In many respects the UK’s institutions would indeed strongly resemble those of federations, as seen among our comparator countries. However, it would be difficult for the UK to meet the strict academic definition of federalism in the absence of a codified UK constitution which fully ‘entrenched’ the rights and powers of the sub-state institutions. Without further major change the UK parliament would in principle be able to alter the territorial settlement, and potentially even abolish sub-state parliaments, under the principle of parliamentary sovereignty.

Entrenchment, however, depends on a codified constitution, which creates a body of ‘higher law’ that can only be changed by a special process. Calls for such a change have been made in the UK for years (e.g. Barnett 2016, Benn and Hood 1993, Political and Constitutional Reform Committee 2014) and would almost certainly re-emerge during debates about the establishment of an English Parliament. But this would be an absolutely fundamental change to the UK’s constitutional arrangements, and very difficult to achieve. Like some of the changes above to parliament, such questions would demand a national debate (going beyond England), ideally built on cross-party agreement and involving significant citizen consultation/participation. As several political parties have proposed in recent years, this would almost certainly need to involve some kind of ‘constitutional convention’ (Renwick and Hazell 2017), followed by a referendum. At the very least, a statute setting out the rights and responsibilities of sub-state governments and the UK executive would be desirable, moving away from the fragmented system of Scotland, Wales and Northern Ireland Acts. Even this change would be a major matter for negotiation between governments, parliaments and citizens across the UK – particularly if it involved moves in the direction of a more shared powers model (as discussed in chapter 6).

Conclusion

UK devolution to date has resulted in very little change to central political institutions. Territorial structures (in the form of the separate departments in Whitehall) pre-existed the establishment of the new elected legislatures, and these bodies once established collectively represented only around 15% of the population. Creation of an English Parliament, in contrast, would have far more wide-ranging effects, instituting a system of ‘devolution all round’. Such issues have been relatively little explored by English Parliament supporters.

Of the two models discussed in this report the dual mandate model for an English Parliament is presented as requiring relatively less upheaval at the centre. In particular, the size of the House of Commons could remain as it is now, and proponents advocate no changes to the structure of government. In fact, a clearer division in Whitehall between England-only and UK-wide departments would be likely to develop, while the new body’s relationship with the House of Lords raises tricky issues. Changes at the centre hence seem inevitable in the longer term. Under

a separately elected English Parliament, meanwhile, such changes would need to be confronted immediately. These would include a reduction in the number of government departments and ministers, a substantial shrinking of the central civil service, and a significant reduction to the number of members of the House of Commons – possibly to between 300 and 350. There would also be major questions about the future of the House of Lords. Bicameralism is the norm in other decentralised states, which often base their second chamber on a ‘territorial model’ to help bind the component units together. But in negotiating changes for the UK this is one of several areas where intractable disputes could develop between the different territorial areas.

Under either model, the role of the UK government and parliament would remain substantial, covering topics such as foreign affairs, defence, economic policy, key social security benefits, national security, international transport infrastructure, trade and industrial strategy, and frameworks (yet to be determined post-Brexit) in areas such as employment and environmental policy. Nonetheless, the loss of England-only responsibilities in devolved policy areas would be a very major change. As already highlighted another chapters, the lack of shared competencies in the UK devolution settlement would cut the centre out of fields such as health and education to an unusually large degree in comparative terms. With devolution in operation throughout the UK, there would be a need to renegotiate the role of the centre, and to build stronger intergovernmental structures than have existed to date. Fundamentally, creation of an English Parliament would hence require the UK to confront big questions about its territorial future, which have been largely unaddressed since devolution in the 1990s. Alongside more robust intergovernmental arrangements, there would be pressures towards formal federalism. It would be very difficult for politicians to negotiate such changes without structured public consultation, throughout the UK. This suggests that some kind of constitutional convention would be required, probably followed by a UK-wide referendum.

Part 3: Structure and composition

11. The structure and size of an English Parliament

The chapters in Part 2 of this report focused on the likely division of powers and functions following the establishment of an English Parliament. In Part 3 we turn our attention to other aspects of institutional design. This chapter focuses on the key questions of structure – whether the English Parliament would be bicameral or unicameral – and size. It concludes that while a dual mandate English Parliament would almost certainly have a bicameral relationship with the UK House of Lords, and base its size on the current number of MPs sitting for English constituencies, a separately elected English Parliament could be either unicameral or bicameral, though political pragmatism makes a unicameral chamber of around 300 members more likely. The subsequent chapters in this Part then move on to the choice of electoral system for an English Parliament (chapter 12), and its location (chapter 13).

Existing UK experience

Despite the long tradition of bicameralism at Westminster, the devolved legislatures in Scotland, Wales and Northern Ireland all have only a single chamber. This occasioned relatively little debate at the time of their establishment. The Scottish Constitutional Convention (1995: 24), the conclusions of which substantially informed the legislation setting up the Scottish Parliament, had stated that ‘Scotland’s Parliament will be a single-chamber legislature’ with ‘no role in its legislative process for the House of Lords’. Although there were unsuccessful attempts to introduce a second chamber during the Scotland Act’s parliamentary passage, Westminster legislated for a unicameral legislature (MacQueen 2015). There have since been some calls for the establishment of a second chamber, notably from former Presiding Officers David (Lord) Steel and Tricia Marwick (Ibid., BBC News 2016a). In the context of an increasing perception that the Scottish Parliament is not an effective constraint on executive power these have become more frequent in recent years (Cairney 2013). But bicameralism has not been advocated by any of the major Scottish parties, so it is hard to envisage change in this direction. In Wales such discussions have been even more limited, although a petition proposing a second chamber was presented to the House of Commons in 2013.⁶⁶ Northern Ireland’s original devolved parliament, which existed from 1921 to 1972, was bicameral, with a Senate made up of members elected by the lower chamber (ARK Northern Ireland 2002). However, there was no question of resurrecting this when the new Northern Ireland Assembly was established in 1998.

The initial numbers of members elected to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly were 129, 60 and 108 respectively (Hazell 2000). This is considerably more members than the number of MPs that were elected from the areas pre-devolution, which can be explained by concerns that the institutions should have sufficient

backbench members to serve on committees and participate in scrutiny of legislation. There was also a desire to ensure representation of a wide range of parties, particularly in Northern Ireland, given the sensitive political situation there – though the number of members of the Northern Ireland Assembly went on to be reduced from 108 to 90, in 2017 (Dempsey 2017). Elsewhere, there have been more calls for increases in size than decreases. These have been especially prominent in Wales, where in 2015 the Assembly Commission – consisting of the Presiding Officer and members of all of the party groups – recommended an increase, arguing that ‘Assembly Members are thinly spread, especially in their committee work, and these pressures will only intensify as our legislative and fiscal responsibilities increase’ (Assembly Commission 2015: 5). This was echoed by an Expert Panel on Assembly Electoral Reform (2017: 27), National Assembly for Wales (2017a), which reported that an increase to between 80 and 90 members ‘would deliver meaningful benefits for the capacity of the institution’. In considering size, it is unlikely that the same difficulties would apply in England – given its larger population. Even an English Parliament that was, in comparative perspective, small in relation to population size should have sufficient backbench members to avoid capacity problems.

Overseas experience

Table 11.1 indicates that in our comparator countries, all of which are bicameral at the central level, unicameral legislatures are nonetheless more common at sub-state level. However, there are examples of bicameralism – notably the state legislatures in Australia and the US, with just one exception each (Queensland and Nebraska respectively).⁶⁷ In India the position is more mixed, with eight out of 29 states having bicameral legislatures. In the context of an English Parliament it is notable that these are concentrated in the states with the largest population sizes.⁶⁸ Where sub-state legislatures have two chambers the second chambers are often modelled on the central upper house. This is the case in Australia (Stone 2002) and the US, though members of US state Senates are, unlike federal Senators, elected from approximately equally sized districts (Chattopadhyay 2011).

Turning to size, few sub-state representative institutions have in excess of 300 members. Among our comparators the only examples are the US state of New Hampshire and the Indian state of Uttar Pradesh.⁶⁹ A relationship between larger populations and larger legislatures can be identified, both across the comparators as a whole and within each country.⁷⁰ However, there are notable exceptions – for example, California is the largest US state in terms of population but its legislature has only 80 members, making it smaller than the average. Among the 10 comparators it is also not possible to identify a consistent relationship between extent of sub-state policy powers and the size of representative institutions. Despite having far more limited functions the French regional councils have, on average, a greater number of members than the sub-state legislatures in Australia, Canada or Spain (see Table 11.1).

Table 11.1: Structure and size of sub-state legislatures in comparator countries

Country	Structure of sub-state legislatures	Size of largest sub-state lower/single chamber	Size of smallest sub-state lower/single chamber	Mean average size of sub-state lower/single chambers
Australia	Bicameral, except Queensland	93 (New South Wales and Queensland)	25 (Tasmania)	68
Austria	Unicameral	100 (Vienna)	36 (Burgenland, Carinthia, Salzburg, Tyrol and Vorarlberg)	49
Belgium	Unicameral	124 (Flanders/Flemish-speaking community)	25 (German-speaking community)	81
Canada	Unicameral	125 (Quebec)	27 (Prince Edward Island)	69
France	Unicameral	209 (Île de France)	19 (Mayotte)	107
Germany	Unicameral	199 (North Rhine-Westphalia)	51 (Saarland)	114
India	Mixed	403 (Uttar Pradesh)	32 (Sikkim)	139
Italy	Unicameral	80 (Lombardy)	20 (Basilicata, Molise and Umbria)	45
Spain	Unicameral	135 (Catalonia)	33 (La Rioja)	71
United States	Bicameral, except Nebraska	400 (New Hampshire)	40 (Alaska)	110

Source: Information gathered from web searches.

What English Parliament supporters have said

Supporters of the dual mandate model for an English Parliament have said little about whether they envisage a bicameral or unicameral body. Nonetheless, in interview with the authors one advocate suggested that the House of Lords should continue to consider English legislation. More surprisingly, similar arrangements have also been proposed by some supporters of a separately elected English Parliament (e.g. Nuttall 2011) – some of whom suggest that the existing devolved legislatures should also develop bicameral relationships with the UK parliament (e.g. Field 2017, Salisbury 2015). In contrast Teresa Gorman (1999: 22) was explicit in saying that ‘[s]eparate Parliaments or Assemblies are hardly likely to want to refer their domestic legislation for a second opinion to whatever body succeeds the House of Lords’. An alternative would be to create two new chambers within the English Parliament, but no proponents appear to have suggested this; those supporters who envisage a complete break with Westminster instead envisage a unicameral body. Unicameralism was also the preference of a clear majority of respondents to our consultation and, so long as the other devolved legislatures remain unicameral, is favoured by the Campaign for an English Parliament (CEP).⁷¹

In terms of size, the dual mandate model clearly requires the number of members of the English Parliament to be equal to those elected to the House of Commons for English constituencies. There are currently 533 English MPs, though this would reduce to 501 should proposals resulting from the ongoing constituency boundary review be approved. Dual mandate supporters have given no indication that they wish to reduce this further. Meanwhile few proposals for a separately elected institution have specified a number of members. Exceptions include the policy in UKIP's 2017 manifesto, which was for a 375-member English chamber (UKIP 2017). The CEP has no official position on this question but, as indicated in the previous chapter, has stated that that the 'collective number of MPs, Union and English Parliament, must not be increased' (Campaign for an English Parliament nd: 22). This clearly implies support for a body of considerably fewer than 533 members. In responses to our consultation a wide range of sizes were proposed, from as few as 60 members to as many as 600. Many responses fell in the range between 300 and 500 members.

The structure of an English Parliament

As already touched upon in chapter 10, the position of the House of Lords under the dual mandate variant of an English Parliament poses challenging questions. A key attraction of this model for supporters is the apparent ease of transition from current arrangements, as compared to the upheaval that would be required to establish a new separately elected body. This would clearly be more true if there were a continued bicameral relationship between the dual mandate English Parliament and the UK House of Lords. But a relationship of this kind between a sub-state chamber and one chamber of the central legislature would probably be unique internationally. It would clearly be inconsistent with arrangements in Scotland, Wales and Northern Ireland – which might appear anomalous, but could perhaps be seen as justified by England's larger size. Nonetheless, it would almost certainly mean that politicians who live elsewhere in the UK or are otherwise strongly identified with these areas (including, most obviously, members of Northern Ireland parties) could continue to vote on and potentially influence the passage of English legislation. The existing English votes for English laws (EVEL) procedures were not applied to the House of Lords, as there is no clear means of singling out 'English' peers. The possibilities were explored by the chamber's Constitution Committee (2016b: 27), which concluded firmly that 'EVEL cannot be applied in a House of Lords whose members are appointed to represent the whole UK, rather than specific regions or constituencies'. The same would be true of segregating peers to participate in a dual mandate English Parliament, whereas allowing the current situation to continue would conflict with key aspects of the rationale for establishing such a body. Were restrictions placed on the MPs who could contribute to debates and question ministers from England-only departments, it would seem strange not to make any similar kind of separation in the second chamber.

An alternative under the dual mandate model would be to retain the House of Lords only for UK business, with the English Parliament being unicameral. Yet this would diverge from the incremental development implied by the model. It would leave the same politicians participating

in both a unicameral legislative process for English legislation and a bicameral process for UK legislation, which could seem quite odd. Crucially, it would almost certainly require a more radical shakeup of the procedures in the new body than many proponents have in mind. For example (as discussed in chapter 9) it would seem necessary to strengthen the committee system within the English Parliament, to perhaps create permanent specialist committees to deal with legislation. Unless the House of Commons made the same changes, this would generate considerable procedural divergence between the two bodies to which English MPs belonged, which could become both complex and confusing for members, their staff and the wider public.

As indicated above, some proponents of a separately elected English Parliament envisage a bicameral relationship with a UK chamber. The most developed example of this is Frank Field's proposal for a 'Common Senate', serving a dual function as a unicameral UK parliament and a second chamber 'to which the Northern Irish, Welsh, Scottish and English parliaments would send legislation for scrutiny' (Field 2017). This would not only be constitutionally anomalous, requiring bills to be considered by two chambers to which different governments were accountable, but also seems politically unlikely. Representatives from Scotland, Wales and Northern Ireland would almost certainly reject such a proposal.

There are nonetheless legitimate arguments in favour of a separately elected English Parliament being bicameral, on grounds of its population size – which sets it apart from the existing devolved areas. In general, bicameralism is associated with larger polities and, as we have seen, there are examples of variation in cameral structure between different sub-state units in some overseas systems. A bicameral structure would make it easier to accommodate both population diversity and policy complexity. Yet to achieve this for England would almost certainly require the establishment of a brand new English second chamber, which no proponents have as yet discussed. This would demand a return to first principles in terms of whether such a chamber should for example be directly or indirectly elected, and/or include some appointed members, and how much power it should have to challenge the first chamber's policy decisions. Although these would be legitimate discussions to have, political pragmatism makes such developments seem fairly unlikely. Unicameralists would claim both precedent in the other devolved areas, and the need to contain the cost and number of politicians. If the intractable discussions about reform of the House of Lords are anything to go by, seeking to design a new English second chamber could also add a layer of complexity that would threaten the whole project of creating a separately elected English Parliament. Hence such a body would probably be unicameral, like the majority of sub-state legislatures around the world. This strengthens the case for the kind of root-and-branch review of procedure for an English Parliament proposed in chapter 9, to ensure that executive oversight and scrutiny processes are robust. In the remainder of this report we assume that a separately elected English Parliament would be unicameral.

The size of an English Parliament

The size of an English Parliament on the dual mandate model would be equal to the number of members returned to the UK parliament for constituencies in England. As no new politicians would result, there would be little pressure to keep numbers down. Nonetheless, an institution with over 500 members would almost certainly be the largest sub-state legislature in the world.

The size of a separately elected English Parliament cannot be determined so straightforwardly, but the previous comment suggests that there should be significantly fewer members than there currently are English MPs. At the same time, England's size would strongly suggest that it should be significantly larger than the existing devolved bodies. A key consideration would, as with the size of the UK House of Commons (see chapter 10), be to ensure that the new institution did not become dominated by frontbench members, and that there were sufficient backbench members to fill committee places. In particular, it would be important to avoid the kind of workload pressures experienced by members of the National Assembly for Wales, and to prevent members needing to serve on multiple committees. It would also be desirable to ensure that the main party groups were large enough to accommodate regional and demographic diversity. More pragmatically, a key consideration would inevitably be a desire to avoid excessive expense, and proliferation of politicians, given that there would continue to be an elected UK parliament.

An English Parliament of around 300 members would satisfy these criteria. In chapter 8 we indicated that an English government might include approximately 30–45 ministers. These would be shadowed by a similar number of official opposition frontbenchers, and by frontbenchers from other party groups. Such members might therefore comprise around a third of the total membership of a 300-member institution. This would leave easily enough backbenchers to fill places on committees shadowing each of the nine possible English government departments, as well as to perform other essential functions. Combined with a reduction in the number of UK MPs to perhaps between 300 and 350 (see chapter 10), this would allow an English Parliament to be established without an overall increase in the number of elected politicians. Finally, a chamber of 300 would allow for broad party representation if a proportional electoral system were used (as explored in chapter 12).

Conclusion

Perhaps surprisingly, the structure and size of an English Parliament has been relatively little discussed by its proponents. A key question is whether such a body should be unicameral (like the existing devolved bodies) or bicameral (like the UK parliament). A case could certainly be made for a bicameral English Parliament on the basis of population size, and there is precedent overseas for variation in parliamentary structure at sub-state level along these lines. However, pragmatic considerations, including arguments about consistency and cost saving, and the inevitable difficulties in reaching agreement about design of a second chamber, suggest that a

separately elected body would be unicameral. This would increase the importance of ensuring robust legislation and scrutiny processes (as discussed in chapter 9). The question of unicameralism or bicameralism with respect to a dual mandate English Parliament is very tricky; continued involvement of the House of Lords in increasingly delineated English matters raises one set of problems, while creating a unicameral body with quite different procedures to the House of Commons generates others.

With respect to size, a dual mandate English Parliament would presumably retain the same number of English members as the House of Commons (i.e. currently 533, with a planned drop to 501). This would create by far the largest sub-state parliament in the world, so a separately elected English Parliament would almost certainly be smaller. England's size and diversity demands a body substantially larger than the existing devolved legislatures, and it would be important to respect principles such as the need for appropriate balance between frontbenchers and backbenchers, and the need to populate scrutiny committees (particularly in the case of a unicameral body). On this basis, an appropriate size for a new English Parliament might be around 300 members, which would avoid excessive expense while providing sufficient members to allow for a functioning legislature.

12. The electoral system for an English Parliament

The choice of electoral system for an English Parliament would have a substantial effect on the nature of the English political system. This chapter discusses the possibilities and their likely implications. It notes that first past the post (FPTP) would almost certainly be used for a dual mandate English Parliament, but suggests that adoption of a more proportional system would be appropriate for a separately elected institution. While the first of these would result in a body based on the English status quo at Westminster, a more proportionally-elected English Parliament would have a substantially different political dynamic, routinely resulting in minority or coalition government. The choice of electoral system could also have significant behavioural and symbolic implications, including for constituency work and demographic representation. For a separately elected body the likeliest system is probably that which is currently used for the Scottish Parliament and National Assembly for Wales – the additional member system (AMS), also often referred to as mixed-member proportional (MMP), though the single transferable vote (STV) system is also a possibility.

Existing UK experience

At the UK level, election to the House of Commons requires that each locality chooses one MP, determined by which candidate wins the most local votes. This ‘first past the post’ (FPTP) system is based on a principle not of proportionality, but of local representation, generating an aggregate outcome resulting from a series of unconnected constituency decisions. The system tends to reward larger parties, often generating a single-party majority, even where that party wins significantly less than 50% of the national vote. Electoral reform for Westminster has frequently been on the agenda (Independent Commission on PR 2003, Independent Commission on the Voting System 1998, Mitchell 2005). However, the only concerted recent attempt at change – to the preferential alternative vote (AV) system – was rejected in a referendum in 2011 (Baston and Ritchie 2011). The Conservatives campaigned in favour of FPTP at that referendum, and continue to support the system.⁷²

In contrast, the devolved legislatures in Scotland, Wales and Northern Ireland are elected using systems incorporating a principle of proportionality – i.e. that the share of seats won by parties in the legislature should seek to reflect the balance of votes cast. Scotland and Wales use versions of the AMS system. Here electors cast two votes, one for a constituency representative (elected by FPTP) and one for a regional party list. The list seats are allocated in order to maximise overall proportionality in the representation within each region. In Scotland this system followed a recommendation of the Scottish Constitutional Convention (1995), which was also influential on the decision in Wales (Deacon 1997). As Table 2.1 shows, there are important differences in

the detail of the systems used in the two nations. The smaller proportion of list seats, and smaller size of individual list regions (what political scientists call ‘district magnitude’), contribute to less proportional outcomes in the Welsh system, for which it has been criticised (Dunleavy and Margetts 2004, Wyn Jones 2016). However, even Scottish outcomes fall short of perfect proportionality. For example in 2016 the Scottish National Party (SNP) won 41.7% of the list vote (and 46.5% of the constituency vote), but secured 48.8% of seats, because allocation of list seats could not fully counterbalance the party’s strong performance in the constituencies (BBC News 2016b).

As would be expected under relatively proportional systems, elections in both Scotland and Wales have generally given no party an overall majority. The SNP did, however, achieve this following the 2011 Scottish Parliament election – despite winning only 44.0% of the list vote (BBC News 2011). Otherwise the Scottish executive has taken the form of a coalition between Labour and the Liberal Democrats (1999–2007) or an SNP minority government (2007–11 and since 2016). In Wales governments have always been Labour-led but never with a single-party majority. Minority governments were formed during 1999–2000, 2003–07 and since 2011, and coalitions during 2000–03 (with the Liberal Democrats) and 2007–11 (with Plaid Cymru).⁷³

Table 12.1: Electoral systems for the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly

	Scottish Parliament	National Assembly for Wales	Northern Ireland Assembly
System	AMS	AMS	STV
Total members	129	60	90*
FPTP	73	40	n/a
List	56	20	n/a
% constituency	56.6%	66.7%	n/a
Members per list/STV district	7	5	5

* Until 2017 the Northern Ireland Assembly had 108 members, elected from six-member districts.

In Northern Ireland the single transferable vote (STV) system is used for both the Assembly and local elections. This is a preferential system under which voters rank candidates, who must achieve a sufficient ‘quota’ of votes to be elected in multi-member constituencies. It is considered to be the most suitable system for Northern Ireland’s complex politics, allowing voters to potentially vote cross-party or even cross-community using their second and further preferences, and for a wide range of parties to win representation (Reilly 2002). Elsewhere in the UK STV has so far only been used for local government elections in Scotland and, prior to 1945, for some university seats in the House of Commons. However, the Welsh Expert Panel on Assembly Electoral Reform (2017) recently recommended that the system be introduced for elections to the National Assembly for Wales.

Table 12.2: Alternative electoral systems and key implications

System	Proportional or majoritarian?	Single-member or multi-member constituencies?	Description	Key implications
AMS	Proportional	Mixed	Electors generally cast two votes, for a constituency representative (elected by FPTP or similar) and regional representatives (elected through party lists). List seats are allocated to maximise overall proportionality of representation within each region, including among constituency members.	More proportional than majoritarian systems, but can be less so than pure PR systems (depending on district magnitude and balance between constituency and list seats). Candidates simultaneously contesting both types of seat can cause controversy.
AV	Majoritarian	Single-member	Electors rank candidates. If a candidate gains a majority of first preferences, they are elected. If not, the lowest ranked candidate is eliminated and votes for that candidate are redistributed to second preferences. This process is repeated until a candidate achieves a majority.	Largely retains the advantages of FPTP, but reduces 'wasted' votes, and means that successful candidates are required to show a form of majority support. Does not enhance proportionality.
FPTP	Majoritarian	Single-member	Electors cast a single vote for a candidate. The candidate who secures the most votes is elected.	Typically delivers single-party majority governments, and provides for a direct link between constituents and representatives. Aggregate outcomes are often highly disproportional.
List PR	Proportional	Multi-member	Under the 'closed list' variant electors cast a single vote for a party list and seats are allocated proportionally. Under the 'flexible list' and 'open list' variants electors can also indicate preferences among candidates, with varying degrees of impact on the result.	Can deliver highly proportional outcomes, particularly if district magnitude is large. However, the relationship between representatives and local electorate is often distant. Under the 'closed list' variant, the names elected are determined wholly by the parties.
STV	Proportional	Multi-member	Electors rank candidates, who must achieve a 'quota' of votes to be elected. Beyond this, further votes for winning candidates are redistributed to second and further preferences. If no candidate achieves the quota, then the candidate with the fewest votes is eliminated and their votes redistributed. This process continues until every seat is filled.	Offers a high degree of choice to electors, who can choose between candidates of the same party and use preferences to vote cross-party. Can result in the election of more independents and minor party representatives than other systems. Critics argue that it makes candidates too focused on their constituency role.

Overseas experience

The strengths and weaknesses of different electoral systems and their typical effects have frequently been covered in detail elsewhere (e.g. Blau 2004, Farrell 1997, Renwick 2011), and some key points are summarised in Table 12.2. There is no perfect system, and difficult choices must be made about which objectives to prioritise. Debates typically focus on factors such as the benefits of delivering stable governments, the closeness of the link between voters and their representatives, the degree of proportionality between voter preferences and the party candidates elected, and the extent to which minority parties and groups are represented. Majoritarian systems such as FPTP and AV are often considered to do better on the first two of these criteria, whereas proportional list systems, AMS and STV do better on the latter two. An obvious consequence of greater proportionality is that such systems typically result in coalition and minority government, whereas majority government is common under majoritarian systems. There is also a link between the use of proportional systems – especially list-based systems – and greater representation of women and ethnic minorities (Kenworthy and Malami 1999, Norris 2004). This can be explained by parties facing pressures to ensure that lists look balanced (Matland and Studlar 1996), and quota mechanisms being more easily applied than in single-member constituencies (Krook 2009).

In comparative perspective the UK’s mix of electoral systems is unusual. Central and sub-state legislatures within the same country typically use broadly the same electoral systems, with variation limited to the level of detail. Among our comparator countries (see Table 12.3) similar systems are used for the central legislature and all sub-state legislatures except in Australia, Italy and one sub-state unit in Germany.

Table 12.3: Central and sub-state electoral systems in comparator countries

Country	Electoral system for lower/single chamber of central legislature	Electoral system for lower/single chamber of sub-state legislatures
Australia	AV	STV
Austria	List PR	List PR
Belgium	List PR	List PR
Canada	FPTP	FPTP
France	Two-round majoritarian	Two-round majoritarian
Germany	AMS	AMS (list PR in Saarland only)
India	FPTP	FPTP
Italy	AMS*	List PR, with majority bonus
Spain	List PR	List PR
United States	FPTP	FPTP

Source: International Institute for Democracy and Electoral Assistance’s database, <http://www.idea.int/data-tools/data/electoral-system-design>, accessed 23 August 2017.

* Italy adopted a version of AMS for the lower chamber of its central legislature in 2017. This system differs from the classic form of AMS because voters are only able to cast one vote rather than separate constituency and regional votes.

What English Parliament supporters have said

Perhaps surprisingly, given the major implications that it could have for both the political balance in an English Parliament and the kinds of representational roles that members of such a body would adopt, the electoral system is not an issue that proponents of change have said a great deal about.

The dual mandate model clearly implies the use of FPTP, at least for so long as this continues for electing the House of Commons. Supporters of this model include prominent Conservatives, which is clearly in line with that party's commitment to the existing Westminster electoral system. As seen in Table 12.4 below, Conservative electoral performance has tended to be stronger in England than across the UK at Westminster elections. Just as English votes for English laws (EVEL) are potentially politically beneficial to the Conservatives over other parties, so might be a new body for England based on FPTP. This may have contributed to the traditional reluctance of politicians in the other two main UK-wide parties to embrace the idea.

A separately elected English Parliament offers a wider range of options. Supporters of this model who have expressed a view on the electoral system appear to have mixed opinions. Responses to our consultation from Campaign for an English Parliament (CEP) members showed a roughly equal split between those favouring FPTP and proportional systems, and the organisation itself has taken no formal public position. Recently senior figures in the CEP have, through private communication with the authors, proposed that 'for the stability and cohesion of the United Kingdom, the electoral systems for all the devolved administrations should be the same'. Likewise, Jocelyn Ormond (1999: 40) has suggested that an English Parliament should be elected 'using the same system as has been introduced for the Scottish Parliament and Welsh Assembly'. In both cases this implies the adoption of AMS, at least for so long as this continues to be used in both Scotland and Wales. This was also explicitly called for in UKIP's most recent manifesto (UKIP 2017).

Political effects of different electoral systems for an English Parliament

In this section we consider the potential political effects of alternative electoral systems for an English Parliament. The most obvious question concerns the effects of different systems on party political balance, and consequently on government formation. However, electoral systems also have other effects, for example on incentives for local representation (and in particular 'casework'), and on the likely diversity of those elected. We begin with the present system, FPTP, which is primarily of relevance to a dual mandate English Parliament. We then model the effects of an AMS system, and then discuss STV and other alternatives.

Existing patterns of party support in England

The starting point for modelling the outcome of different electoral systems in England is the pattern of support for different parties in previous elections. Table 12.4 shows vote shares in England for each general election since 1945, together with vote shares across Great Britain.⁷⁴ The party receiving a plurality of votes at each election is indicated in bold. The Table shows that the Conservatives performed slightly better in England than in Great Britain as a whole at every election, while Labour performed very slightly worse at every election until 2015. Despite this, Labour has historically won a plurality of the vote in England in its strongest years, most recently in 1997 and 2001. No party has won more than 50% of the English vote since 1959.

Table 12.4: Vote share in UK general elections in England, 1945–2017 (GB vote shares in brackets)

Election	Con	Lab	Lib*	Other
1945	40.3 (39.3)	48.6 (48.8)	9.3 (9.2)	1.9 (2.6)
1950	43.8 (42.9)	46.1 (46.8)	9.4 (9.3)	0.6 (1.0)
1951	48.8 (47.8)	48.8 (49.4)	2.3 (2.6)	0.1 (0.3)
1955	50.3 (49.2)	46.8 (47.4)	2.6 (2.8)	0.3 (0.7)
1959	50.0 (48.8)	43.6 (44.6)	6.3 (6.0)	0.1 (0.7)
1964	44.0 (42.9)	43.5 (44.8)	12.1 (11.4)	0.4 (0.9)
1966	42.7 (41.4)	47.8 (48.7)	9.0 (8.6)	0.5 (1.2)
1970	48.3 (46.2)	43.2 (43.8)	7.9 (7.6)	0.5 (2.3)
Feb 1974	40.1 (38.6)	37.7 (38.0)	21.3 (19.8)	1.0 (3.5)
Oct 1974	38.8 (36.6)	40.1 (40.2)	20.2 (18.8)	1.0 (4.4)
1979	47.2 (44.9)	36.7 (37.7)	14.9 (14.1)	1.2 (3.3)
1983	46.0 (43.5)	26.9 (28.3)	26.4 (26.0)	0.7 (2.2)
1987	46.1 (43.2)	29.5 (31.5)	23.8 (23.1)	0.5 (2.2)
1992	45.5 (42.8)	33.9 (35.2)	19.2 (18.3)	1.4 (3.7)
1997	33.7 (31.5)	43.5 (44.3)	18.0 (17.2)	4.8 (7.1)
2001	35.2 (32.6)	41.4 (42.0)	19.4 (18.8)	3.9 (6.6)
2005	35.7 (33.3)	35.5 (36.1)	22.9 (22.6)	5.9 (8.0)
2010	39.5 (36.9)	28.1 (29.7)	24.2 (23.6)	8.2 (9.9)
2015	41.0 (37.7)	31.6 (31.2)	8.2 (8.1)	19.3 (23.2)
2017	45.4 (43.4)	41.9 (41.0)	7.8 (7.6)	4.9 (8.0)

Source: Audickas, Hawkins and Cracknell (2017).

* Liberal Party from 1945–79, Liberal/SDP Alliance from 1983–87, Liberal Democrats from 1992.

First past the post

Clearly FPTP would be used for a dual mandate English Parliament, given that it would be composed of those members of the UK parliament elected from English constituencies. It is considerably less likely that it would be used for a separately elected English Parliament. Despite retaining a significant degree of support, including from some proponents of an English Parliament, FPTP has not been used for any new elected institutions in recent years. The figures in Table 12.5 therefore serve partly as a baseline, and also as an indication of possible patterns of representation in a dual mandate English Parliament.⁷⁵

Table 12.5: Results of UK general elections in English constituencies, 1945–2017

Election	Con	Lab	Lib	Other	Total	English outcome	UK outcome
1945*	167	331	5	7	510	Lab majority	Lab majority
1950	253	251	2	0	506	Con largest	Lab majority
1951	271	233	2	0	506	Con majority	Con majority
1955	293	216	2	0	511	Con majority	Con majority
1959	315	193	3	0	511	Con majority	Con majority
1964	262	246	3	0	511	Con majority	Lab majority
1966	219	286	6	0	511	Lab majority	Lab majority
1970	292	217	2	0	511	Con majority	Con majority
Feb 1974	268	237	9	2	516	Con majority	Lab largest
Oct 1974	253	255	8	0	516	Lab largest	Lab majority
1979	306	203	7	0	516	Con majority	Con majority
1983	362	148	13	0	523	Con majority	Con majority
1987	358	155	10	0	523	Con majority	Con majority
1992	319	195	10	0	524	Con majority	Con majority
1997	165	328	34	2	529	Lab majority	Lab majority
2001	165	323	40	1	529	Lab majority	Lab majority
2005	194	286	47	2	529	Lab majority	Lab majority
2010	298	191	43	1	533	Con majority	Con largest
2015	319	206	6	2	533	Con majority	Con majority
2017	297	227	8	1	533	Con majority	Con largest

Source: Russell and Lodge (2006: 71), updated to 2017 with figures from Audickas, Hawkins and Cracknell (2017).

* 1945 figures exclude university seats. The Table shows the outcomes of all 20 UK general elections in England from 1945 to 2017, alongside the UK-wide outcomes of the same elections.

Table 12.5 shows that the Conservatives won a majority of English seats at 13 of the last 20 UK general elections. However, when performing strongly Labour is also capable of winning a majority. This would most recently have occurred in 1997, 2001 and 2005. In most cases the basic outcome in England and in the UK as a whole was the same. However, there are six exceptions, highlighted in bold – 1950, 1964, February 1974, October 1974, 2010 and 2017. In each case it is the Conservatives whose position is strengthened, given the party’s consistently better performance in England than in the rest of the UK. In four cases where the Conservatives failed to win a UK majority the party nonetheless won a majority in England. These include the recent elections of 2010 and 2017, where a Conservative UK government was formed with the support of the Liberal Democrats and the Northern Ireland Democratic Unionist Party respectively. In two earlier cases, in 1964 and February 1974, Labour formed a UK government but the Conservatives enjoyed an English majority. In two further cases (1950 and October 1974) Labour won a UK majority but fell short of a majority in England. In the first of these the Conservatives won a greater number of English seats than Labour.

The past is not necessarily a good guide to the future, but these results highlight how the issue of differing majorities could emerge if there were a dual mandate English Parliament. As has frequently been pointed out with respect to EVEL (Bogdanor 2014, 2015, Russell and Lodge 2006), significant political problems could arise if a UK Labour government proved unable to get its legislation agreed in an English Parliament where it had no partisan majority. Chapter 8

discussed the problems this could cause regarding the government enjoying the confidence of members of the English Parliament. The figures in the table illustrate how such circumstances might occur. In a replay of the results in 1950 or 1964, for example, a Labour government with a UK majority could find itself unable to maintain the confidence of English MPs unless it formed a coalition or confidence and supply arrangement with other parties.

The dual mandate model is intended to result in minimal disruption, and is seen by its proponents as an incremental step. Despite the awkward questions raised by the model about government formation, in some other respects this could be the case. Assuming FPTP continued to be used to elect members of the UK parliament, with the same members sitting for English constituencies within two different institutions, there would clearly be no awkwardness about differing electoral boundaries or competition over constituency work. Members would continue to represent the same constituents in both bodies, and would remain locally focused to the extent that they are now. Without the introduction of a new institution, clearly the demographic make-up of the English Parliament would also match the current make-up of English MPs, with no immediate opportunity for a breakthrough in terms of greater gender or ethnic minority representation. Currently 176 (33%) of England's 533 MPs are women, and 52 (10%) are identified as coming from ethnic minorities.⁷⁶

Additional member systems

Given the precedents in Scotland and Wales, AMS appears to be the most likely alternative to FPTP for a separately elected English Parliament. We therefore modelled English results from the past six UK general elections under a variant of this system, to demonstrate possible political dynamics.

It is important to note that projections of future voting under different electoral systems based on past voting data are inherently unreliable. Aside from the fact that voting patterns change over time, people may vote differently under alternative electoral systems – for example because votes for minor parties are no longer considered ‘wasted’.⁷⁷ People may also vote in different ways for different institutions – they might choose to support different parties in devolved and in Westminster elections, as has often occurred in Scotland and Wales. Hence the results below must be treated with considerable caution.

Precise outcomes would also be significantly influenced by the detail of how the electoral system was designed. The analysis below is based on parliaments with 300 members, which chapter 11 suggested was a likely size for a separately elected English Parliament. We distributed these 300 seats between the nine European Parliament areas in England on the basis of population.⁷⁸ We used a ratio of constituency to list seats based on the average of the Scottish and Welsh ratios (61.6%), which results in 185 FPTP seats and 115 list seats. To simulate a system with a similar district magnitude to those in Scotland and Wales, each European Parliament region was split into smaller districts, with 8–10 single-member constituencies and a list comprising 5–7 members. These 20 districts are shown in Table 12.6. If designing such a system for real, such districts might be based on counties and/or other existing local government areas, and new

boundaries for single-member constituencies (which would be larger than those currently used in UK general elections) would clearly also be needed. For the model we assumed that the FPTP vote share and proportion of FPTP seats won by party across each region would be mirrored in each district.⁷⁹ These are clearly highly simplifying assumptions. Nonetheless, the results in Table 12.7 provide some indication of the possible political composition of an English Parliament elected under a plausible version of AMS.

Table 12.6: Possible distribution of seats under AMS, based on average of constituency to list seat ratios from Scotland and Wales

Region	Constituency seats	List seats	Total seats
East Midlands 1	8	5	13
East Midlands 2	8	5	13
East of England 1	10	7	17
East of England 2	10	6	16
London 1	10	6	16
London 2	10	6	16
London 3	10	6	16
North East	9	5	14
North West 1	8	5	13
North West 2	8	5	13
North West 3	8	5	13
South East 1	10	7	17
South East 2	10	6	16
South East 3	10	6	16
South West 1	9	6	15
South West 2	9	6	15
West Midlands 1	10	6	16
West Midlands 2	10	6	16
Yorkshire and the Humber 1	9	6	15
Yorkshire and the Humber 2	9	5	14
Total	185	115	300

Table 12.7 shows that, according to these assumptions, such an AMS system would probably have resulted in consistently hung parliaments at the last six general elections. While Labour had a majority of FPTP seats in England from 1997–2005 and the Conservatives have held such a majority since 2010, the inclusion of a moderate proportional element could have been sufficient to deny them these majorities.⁸⁰ The Liberal Democrats would have won significantly more seats than under FPTP, while UKIP would have won a considerable number of seats at their general election peak in 2015. The geographical breakdown for 2017 (see Table 12.8) shows how AMS allows the main parties to win seats in areas where they have little representation under FPTP. For example, the Conservatives would have won four of 14 seats in the North East at this

election (compared to three of 29 in reality under FPTP) and Labour would have won eight of 30 seats in the South West (compared to seven of 55).

Table 12.7: Projected results of UK general elections in England under AMS, 1997–2017

Election	Con	Lab	Lib	UKIP	Green	Other	Total	AMS outcome	FPTP outcome
1997	107	141	51	n/a*	n/a*	1	300	Lab largest	Lab majority
2001	112	134	58	0	0	0	300	Lab largest	Lab majority
2005	111	118	71	0	0	0	300	Lab largest	Lab majority
2010	118	90	84	4	0	4	300	Con largest	Con majority
2015	131	108	20	38	5	0	300	Con largest	Con majority
2017	149	138	13	0	0	0	300	Con largest	Con majority

* In 1997 it was not possible to locate regional vote totals for UKIP and the Greens. They have been included in 'Other'.

Table 12.8: Regional breakdown of projections based on 2017 general election under AMS

Region	Con		Lab		Lib		Other		Total
	Const	List	Const	List	Const	List	Const	List	
EM	10	4	6	6	0	0	0	0	26
East	18	2	2	9	0	2	0	0	33
London	9	9	21	6	0	3	0	0	48
NE	1	4	8	1	0	0	0	0	14
NW	6	9	18	6	0	0	0	0	39
SE	27	3	3	12	0	4	0	0	49
SW	16	0	2	8	0	4	0	0	30
WM	12	6	8	6	0	0	0	0	32
Y&H	6	7	12	4	0	0	0	0	29
Total	105	44	80	58	0	13	0	0	300
Grand total	149		138		13		0		300

Key: EM = East Midlands, East = East of England, NE = North East, NW = North West, SE = South East, SW = South West, WM = West Midlands, Y&H = Yorkshire and the Humber.

The differences between results under this kind of system and FPTP would obviously have implications for government formation. While in a dual mandate English Parliament based on FPTP one party or the other would have held a majority of seats following each of the last six elections, the AMS projections imply minority or coalition governments for England throughout. Labour would have been the largest party in 1997, 2001 and 2005 and the Conservatives in 2010, 2015 and 2017. But the Liberal Democrats would have held the balance of power following all elections except 2015, with the possibility of forming a parliamentary majority with either Labour or the Conservatives. In 2015 a Labour/Liberal Democrat arrangement would have fallen short; at this point, the Conservatives could have governed England with either Liberal Democrat or UKIP support. In all cases the outcome would not necessarily have been a formal coalition, as

one of the larger parties could have sought to form a minority government, perhaps with a confidence and supply arrangement. These are clearly quite different political dynamics than would apply in a dual mandate English Parliament under FPTP.

In terms of other political effects, using AMS for a separately elected English Parliament would result in other important changes. As already indicated, new boundaries would be needed across England, creating single-member constituencies significantly larger than now. Boundaries would be unlikely to match those for the Westminster parliament, though this would of course depend on the extent of consequent changes to that institution (see chapter 10). Each voter would be represented by two constituency members, one in the English Parliament and one in the House of Commons. Some competition for local profile would be likely between them, particularly where they came from different parties. Voters might to an extent play members off against each other, which could create some competition between them over constituency work, as occurred in the other devolved areas (Russell and Bradbury 2007). While some anticipated that regional members under AMS in Scotland and Wales would focus on broad policy, rather than constituency casework, the fact that list and constituency members within a region often come from different parties also created similar competition inside the new devolved bodies (Bradbury and Mitchell 2007); this also might well be duplicated in an English Parliament. Particular arguments have developed over the ability of list members to ‘shadow’ constituency members, especially when the electoral system allows candidates to run simultaneously for a constituency and the list. This practice was banned in Wales between 2006 and 2014 (Scully 2014), and there have been calls for a similar ban in Scotland (MacNab 2017). Such arguments would no doubt re-emerge with respect to an English Parliament elected by AMS.

The establishment of a new, separately elected English Parliament would offer considerable opportunities for increased demographic diversity among elected members. This is true whatever the electoral system, as there would be no incumbents. At the establishment of the Scottish Parliament and National Assembly for Wales some parties made considerable efforts to ensure that there was gender balance among their new elected members. Labour pursued this by ‘twinning’ constituencies (between one man and one woman), while other parties sought balance among candidates on regional lists (Russell, Mackay and McAllister 2002). Today parties would also be very aware of the need for other kinds of diversity among their candidates. An AMS system such as that modelled here offers some opportunity to use lists to achieve balance, but this would be fairly limited – as the lists are short, and some parties might win most of their seats through constituencies.

STV and other proportional systems

Given the precedents elsewhere in the UK, and the drive for symmetry, there are currently strong pragmatic arguments for AMS to be adopted for an English Parliament. The adoption of a pure list system is unlikely, despite the ability of such systems to deliver highly proportional results, as there is limited experience of them in the UK. PR advocates would be much more likely to promote AMS or STV. The second of these would undoubtedly be proposed by some reformers, and would become more likely were it to be adopted in Wales following the

recommendation of the recent review. An STV arrangement might, like the lists in AMS, use relatively small multi-member constituencies such as counties and other local government areas. Its results would be broadly similar to those produced under AMS; however, detailed modelling of STV is beyond the scope of this report.⁸¹ The candidate-centred nature of the system might result in more independents winning seats than under other systems – for example this occurs under the system of STV for the Irish lower house, where independents sometimes even go on to hold the balance of power (see Hansen 2010). As under AMS it is unlikely that any party would secure an overall majority in the English Parliament. Like that system, it would also result in far more balanced party representation across the English regions than exists under FPTP.

STV is associated with high levels of constituency work. The fact that voters can choose among candidates of the same party under this system tends to encourage competition for local profile, and in Ireland has been blamed for parochialism and members being too locally focused (Farrell, Suiter and Harris 2017, O’Toole 2010). This system would hence be at least as likely as AMS to result in tensions over constituency work among members of the English Parliament, and between them and Westminster MPs. In terms of diversity, a new separately elected English Parliament chosen using this method would, as indicated above for AMS, provide an opportunity to create a body that was from the outset more demographically representative than the current House of Commons. Thereafter the multi-member nature of STV would encourage parties to run balanced tickets in each local area. However, the ability of voters to choose between candidates from any one party would make it more difficult (compared to FPTP or closed-list systems) for parties rigidly to enforce diversity in election outcomes.

Conclusion

The choice of electoral system for an English Parliament is an important one that would substantially shape its political dynamics. Supporters of the dual mandate model naturally assume that an English Parliament would be based on the Westminster principle of first past the post. The results of the 20 general elections since 1945 show that the Conservatives would have had a majority in such a body in 13 cases, and been the largest party in a hung parliament on one further occasion. In three of these cases the UK government actually elected was Labour – which could have led to the kinds of partisan clashes between the government and the English Parliament discussed in chapter 8.

Despite historically often winning majorities of seats, the Conservatives have not won a majority of votes in England since 1959 – hence more proportional systems would not necessarily result in Conservative preponderance in a separately elected English Parliament. Under current arrangements, there are pragmatic arguments to adopt the additional member system (AMS) for such a body, as this is used in Scotland and Wales. Our modelling suggests that a similar version of this system could consistently result in no party winning an overall majority in the English Parliament – which would make coalition or minority government for England the norm. With smaller parties holding the balance of power, such governments could be either Conservative- or Labour-led. The single transferable vote system (STV), which could become a more likely option

if adopted for elections to the National Assembly for Wales following a recent review, would likely produce similar results (depending on boundaries, and the size of multimember seats). Either AMS or STV could use relatively small multi-member constituencies, perhaps based on historic counties.

The choice of electoral system would also influence the nature of members elected to a new separately elected English Parliament, and how they perform their representative roles. Either AMS or STV could result in competition on the ground between its members over constituency work, as well as competition between them and Westminster MPs. The new body would create an opportunity to achieve greater demographic diversity than currently exists among English MPs, partly due to the obvious lack of incumbent candidates at the first election, and partly because multi-member constituencies encourage parties to present balanced slates, and make quota systems easier to apply.

13. The location of an English Parliament

One final major question is the possible location of an English Parliament. This would not fundamentally affect constitutional arrangements, but would have major practical implications and be of high symbolic importance. Some would undoubtedly want the English Parliament to meet in England's capital, London, while others would argue that it should be located elsewhere. Either outcome would have potential knock-on effects for the UK parliament. We conclude that it would make sense for a dual mandate English Parliament to meet at Westminster (although some have proposed otherwise), but for a separately elected institution to be located outside London. Many cities could make a strong claim to host a separately elected English Parliament, and a national bidding process might be the most appropriate way of deciding which to choose. The decision over the location of an English Parliament could nonetheless be a significant source of tension, both within England and with the existing devolved areas.

Existing UK experience

The devolved legislatures in Scotland, Wales and Northern Ireland meet in Edinburgh, Cardiff and Belfast respectively. No serious consideration was given to other cities. All of the shortlisted sites for the Scottish Parliament were in Edinburgh, which had long been recognised as the Scottish capital and been the meeting place for the pre-Union legislature.⁸² Cardiff was similarly well established as Wales' capital and again no locations outside the city were shortlisted as possible sites for the National Assembly.⁸³ No alternatives to Belfast, by far the largest city in Northern Ireland, were considered for the Northern Ireland Assembly – here the Stormont building previously occupied by the pre-1972 legislature was available, and immediately became the Assembly's home. Clearly none of the three capitals faced the challenge of London, in already hosting the UK's parliament.

Existing buildings in Edinburgh (the General Assembly Hall of the Church of Scotland) and Cardiff (Crickhowell House) initially housed the Scottish Parliament and National Assembly for Wales respectively. However, these were used only while new buildings were constructed. Once sites for the new buildings had been identified designs were selected through architectural competitions (Auditor General for Wales 2000, White and Sidhu 2005). The successful proposals were each for a building designed in a contemporary style, contrasting with the Palace of Westminster. Both buildings were controversial due to the costs involved, particularly as the projects ran considerably over-budget and took longer than initially intended. In Edinburgh the new building at Holyrood cost over £400 million rather than the initially suggested £40 million, and opened in 2004 rather than 2001 as planned (BBC News 2007, McCrone 2005). The Welsh Senedd building also suffered delays and opened in 2006 at a cost of £70 million, rather than the original estimate of £12–17 million (Auditor General for Wales 2008). Once completed there were inevitably mixed views on the buildings, but they have generally been well received. The

Scottish Parliament building won the prestigious Stirling Prize for excellence in architecture in 2005, while the Senedd was nominated for the same award the following year (BBC News 2005, 2006).

Overseas experience

In overseas countries, each sub-state legislature is generally located in that area’s accepted capital city. This is typically the case even when the sub-state capital is also the central capital, as London would be for both England and the UK. Among our 10 comparators, in eight cases the city hosting the central legislature is also home to a sub-state body (see Table 13.1). However, in none of these, or any others that we are aware of, do the two separate legislatures actually share the same building. Where central and sub-state legislatures are in the same city they are invariably located separately.

Table 13.1: Locations of central and sub-state legislatures in comparator countries

Country	City and sub-state area housing central legislature	Location of relevant sub-state legislature
Australia	Canberra, Australian Capital Territory (capital district)	n/a*
Austria	Vienna, Vienna city-state	Separate location in Vienna
Belgium	Brussels, Brussels-Capital Region	Separate location in Brussels
Canada	Ottawa, Ontario	Toronto
France	Paris, Île-de-France	Separate location in Paris
Germany	Berlin, Berlin city-state	Separate location in Berlin
India	New Delhi, Delhi (capital district)	n/a*
Italy	Rome, Lazio	Separate location in Rome
Spain	Madrid, Community of Madrid	Separate location in Madrid
USA	Washington, D.C. (capital district)	n/a*

Source: Information on the locations of central legislatures was sourced from the Inter-Parliamentary Union’s Parline database, <http://www.ipu.org/parline-e/parlinesearch.asp> accessed 21 August 2017.

* The capital districts in Australia, India and the USA exist independently of any sub-state unit. All have representative institutions of their own, located in separate buildings from the central legislature.

It is worth noting, however, that in large decentralised countries the central legislature is not always located in the biggest city. In some examples of ‘coming together’ federations (see chapter 5) there is instead a special capital district which houses this body, as in Australia (Australian Capital Territory) and the USA (Washington, D.C.). A key rationale is to ensure that the neutrality of the central institutions is not undermined by the appearance of ‘belonging’ to any one sub-state unit (Slack and Chattopadhyay 2009). In choosing a location for the capital there is also often a desire to strike a compromise between large cities with strong claims – this was a factor in the decisions to make Canberra rather than Melbourne or Sydney the Australian capital (Pegrum 1983), and to make Ottawa rather than Montreal or Toronto the Canadian capital (Knight 1991).

What English Parliament supporters have said

The use of Westminster to house an English Parliament appeals to many proponents, given its pre-1707 precedent as home to an English legislature. In responses to our consultation Westminster was suggested by almost half of those who expressed a view about location, including a majority identifying as members of the Campaign for an English Parliament (CEP). The CEP has taken no public position on this question, partly in order to avoid splitting supporters. But in communication with the authors campaign leaders indicated a preference ‘to re-establish London’ as the English capital with ‘Westminster as the English Parliament’ and for the UK parliament to move elsewhere. Among supporters of a separately elected English Parliament the use of Westminster has also won support from Frank Field (2014, 2017), Lord Salisbury (2015) and UKIP (2017). Under these proposals the UK and English parliaments would ‘cohabit’, with the English legislature filling a space created by the abolition of one of the UK chambers. Yet, as indicated above, such arrangements would be highly unusual in comparative perspective. Cohabitation also appears to be strongly implied by the dual mandate model. In setting out his proposals John Redwood (2014a) has stated that he envisages an ‘English Parliament at Westminster’. However, Conservative MP Andrew Rosindell has suggested that a dual mandate English Parliament should instead meet elsewhere, as the House of Commons’ ‘green Benches are British and must always remain so’.⁸⁴ Rosindell expressed a preference for a location in the City of London.

With respect to the separately elected English Parliament, there is also significant support for a location outside London. One notable call came from the singer-songwriter and left-wing activist Billy Bragg (2000), who wrote that ‘[a] devolved England cannot flourish in the hothouse atmosphere of Westminster’, hence suggesting that ‘a new city will have to be chosen to be the capital of England’. He proposed York, as a city ‘outside the major metropolitan centres yet with a strong multi-cultural tradition’. A desire to use the establishment of an English Parliament as a vehicle for reorientation away from London has likewise been expressed by James Dennison (2014). He suggested that ‘such a parliament and its associated governmental departments could be created well away from “The Westminster Bubble”, for example in the North of England, thus moving the centre of British economic gravity closer to the Scottish border and perhaps offering something of a reset button for Britain’s current political discontent’. Meanwhile, Jocelyn Ormond (1999: 40) suggested the Midlands, arguing that there was no reason for an English Parliament to be based in England’s capital as the English ‘could always derive comfort from the fact that “mother of parliaments” is located in London’.

Among responses to our consultation Manchester and York were the most popular proposed locations for an English Parliament outside London. In the case of the former some suggested that the existing Manchester Town Hall, a large neo-Gothic building currently occupied by the City Council, might be a suitable venue. A whole range of other possibilities were also suggested, including major cities such as Birmingham and Leeds, as well as smaller cities with historical claims such as Lichfield and Winchester.

Practical and symbolic considerations

In deciding on a location for an English Parliament a mix of practical and symbolic considerations would be important. These are summarised in Table 13.2, which notes the key implications of the English and UK parliaments each being located inside or outside London. We consider only three of these scenarios plausible, as it is difficult to imagine circumstances in which neither body would be based in the capital city.

Table 13.2: Implications of alternative locations for English Parliament and UK parliament

UK parliament	English Parliament	
	London	Outside London
London	<ul style="list-style-type: none"> • Relatively little upheaval, especially if both using Westminster • Difficult for distinctive English polity to develop • Dominance of London exacerbated 	<ul style="list-style-type: none"> • Considerable upheaval and expense involved in new location for English Parliament • Space for distinctive English polity to develop • Less central location for English means UK parliament less likely to appear marginalised • Dominance of London countered
Outside London	<ul style="list-style-type: none"> • Considerable upheaval and expense involved in new location for UK parliament • Space for distinctive English polity to develop • Requires UK parliament to be evicted, and potentially appear marginalised • Dominance of London countered 	n/a

Practical considerations

Members of a dual mandate English Parliament would simultaneously serve in the UK House of Commons. The European Parliament, which uses chambers in both Brussels and Strasbourg, provides a precedent for the same politicians meeting regularly at two different sites. However, this is not popular with MEPs (Hix and Whitaker 2016), and has been widely criticised as expensive and inconvenient (e.g. Beesley 2010, Mendick 2014). Similar issues would likely be raised by an arrangement whereby over 500 English politicians shuttled between different sites. Besides the difficulty involved in securing a suitable venue for an English Parliament, this would cause inconvenience for politicians and staff, who would need office space and other facilities at the two locations as well as travelling between them.⁸⁵ All of this would incur costs, alongside those required to maintain the English Parliament's building. It would thus seem altogether more

efficient for a dual mandate English Parliament to meet at Westminster, as foreseen by John Redwood, rather than at an alternative venue as suggested by Andrew Rosindell.

For a dual mandate English Parliament to share the Palace of Westminster with the UK parliament would appear to pose few practical difficulties, given the overlap in membership. The proposal that a separately elected English Parliament should do so raises bigger questions. Most obviously proponents of this option envisage abolition of either the House of Commons or House of Lords (as discussed in chapter 10). Even if this major obstacle could be overcome, the practicalities of sharing facilities between two bodies with different jurisdictions, political leaderships and budgets would be very great.

In considering locations beyond Westminster for a separately elected body an obvious practical issue is the need to find a building large enough to accommodate a chamber for approximately 300 members of the English Parliament (see chapter 11), plus committee rooms, offices for members and staff, and space for libraries and other facilities. There are few, if any, existing buildings aside from the Palace of Westminster that would be able to do this. Even the most impressive buildings would require extensive modification. For example, the existing chamber at Manchester Town Hall has capacity only for 96 members. In practice locating the English Parliament away from Westminster would therefore entail a major building project, whether to renovate an existing building or to construct a new one.

A parliament located outside London would clearly require the head offices of English government departments and ministers to move from Whitehall, given that ministers are frequently required to attend the legislature. Hence accommodation would also need to be found for government departments, for the First Minister, and for the English cabinet to meet. Such a project would be ambitious, but the new buildings in Edinburgh and Cardiff, and more recently the London Olympic Park, have shown that major projects can ultimately be delivered satisfactorily with vision and investment. Nonetheless the kinds of delays and cost overruns seen in Scotland and Wales, and the kinds of criticisms consequently levelled at the political class, would quite possibly be repeated.

Some might argue that, given the weight of policy responsibilities for the new English Parliament, it would be more practical for the UK parliament to be relocated outside London. However, this would clearly be at least as disruptive, again due to the need to find a suitable building and space for government departments such as the Treasury and Foreign Office, not to mention the UK Prime Minister and cabinet.

Symbolic considerations

Hence the practical considerations when considering the appropriate location for an English Parliament are significant. Yet symbolic considerations would ultimately be at least as important. This has historically been the case where new legislatures are established, in the UK and elsewhere.

Control of the Palace of Westminster, as well as other iconic institutions such as Downing Street, would be highly symbolic. For the English Parliament to meet at Westminster, with the UK parliament moving elsewhere, would no doubt be celebrated by many English Parliament enthusiasts as representing a ‘reclaiming’ of Westminster and of London as English. However, it would undoubtedly meet considerable resistance and hostility from others. A particular concern would be the implication that the UK parliament had been usurped as the UK’s predominant parliamentary institution. The Palace of Westminster would remain a popular landmark, recognised globally, and a major tourist destination, while a new building outside London would almost certainly attract less attention, at least in the short to medium term. In addition, if UK MPs appeared to be marginalised, and the English Parliament dominant, this could drive separatist sentiments elsewhere in the UK.

Meanwhile the possibility of cohabitation between the UK and English parliaments at Westminster raises symbolic issues of its own. If both were located under the same roof, as some proponents have suggested, this would create barriers to the emergence of a distinct English political sphere. Members of the English Parliament would likely be absorbed into Westminster’s existing culture, through sharing facilities and meeting regularly with members of the UK parliament. Party organisation, pressure group interaction and media coverage would all remain intertwined, rather than encouraging distinct English arrangements to develop. In the eyes of the public the two institutions might seem difficult to distinguish. These considerations would equally affect co-location of a dual mandate or a separately elected English Parliament.

Symbolic considerations would likewise be a significant consideration in a decision on where to locate an English Parliament if not at Westminster. As we have seen, some proponents would like a move outside London to provide a means of countering the political and economic dominance of the UK capital. This would also help to separate the new English institutions from Westminster’s often negatively-framed political culture, potentially fostering a distinct English polity. But where such a body was located outside London would in itself be hotly contested. Cities that were prominent in pre-Union English history, for example Winchester and York, would be promoted by some as symbols of an English political renaissance. Meanwhile other locations, particularly cities in the north of England such as Leeds and Manchester, would be held up as symbols of political and economic rebalancing. However, these might not be universally popular choices, for example feeling even more distant than London for citizens in England’s South West. This highlights one of the key objections of opponents to an English Parliament (as outlined in chapter 3), that it would do little to promote decentralisation.

A national competition?

On balance the symbolic considerations discussed above suggest that, despite the practical issues that it would raise, a separately-elected English Parliament should be located separately, in a city outside London. UK politicians would resist allowing the English Parliament to usurp the UK parliament at Westminster, while on reflection the cohabitation option (unprecedented internationally) would also have significant shortcomings. That would leave a decision to be

made on exactly where a separately elected English Parliament should meet, with numerous cities able to make strong claims.

One idea suggested in response to our consultation was to hold a national competition. This could take the form of an ‘Olympic-style’ bidding process where different cities could propose sites, including new or existing buildings, which would be assessed by a judging panel of distinguished individuals against agreed criteria. Cities bidding would no doubt emphasise the economic and infrastructure benefits of hosting the English Parliament, as well as focusing on the practical and symbolic effects. While a judging panel could make recommendations, the ultimate decision would probably be one for government and parliament, ideally following careful public consultation. The importance of having public buy-in raises a question over whether, if a referendum were to be held on establishing an English Parliament, the in-principle decision about location should be taken before or after the public vote.

Conclusion

Various schemes have been proposed for the location of an English Parliament, but there is no settled view among proponents. A dual mandate English Parliament would almost certainly share facilities in the Palace of Westminster with the existing House of Commons, given the expense and upheaval involved in creating another venue. However, any kind of cohabitation arrangement (whether for a dual mandate or separately elected body) would make it hard to meet proponents’ aspirations of developing a distinct English polity, and could even reinforce existing London-centric tendencies. If the English Parliament and UK parliament were to be located separately, it would hence make sense for one or the other to adopt a venue outside London. While some English Parliament supporters might hope that the new body could inhabit the historically-important Westminster site, this would risk eclipsing the UK parliament and stoking separatist sentiments. Therefore it would be more sensible, and politically likely, for the new body to be the one located in a different city. The choice of venue would be both economically and symbolically important – and also potentially divisive. The best means of deciding this matter might be a national competition, though such a debate could create tensions between different areas of England, and affect some citizens’ decision over whether to support such a body at all. This is one last major challenge for creation of an English Parliament which did not face the existing devolved legislatures – each of which was uncontroversially established in its respective capital city.

14. Conclusion

The idea of an English Parliament has a long history, and has been actively lobbied for particularly during the two decades since new devolved legislatures were created in Scotland, Wales and Northern Ireland. Originally an idea mostly taken up by politicians on the right, the proposal of an English Parliament has in recent years attracted greater interest also from those on the political left. Supporters seek closer equity with the existing devolved areas, including more explicit representation of English interests, accountability for England-wide policy-making, the airing of English ‘voice’ (including in intergovernmental bodies), and creation of a forum in which a greater sense of English identity can flourish. Yet some serious concerns have also been raised about the prospect of an English Parliament. Most centrally these include fears that an elected body representing 85% of the UK population would become too dominant, stoking territorial tensions and ultimately destabilising the UK Union itself.

Our objective was to consider these aspirations, and these concerns, alongside the available evidence from UK and overseas experience, in order to explore the options for an English Parliament. We sought neither to advocate for or against establishment of such a body, but to tease out the kind of design decisions that would have to be made, and their likely implications. We identified that there are two primary models proposed for English Parliament – which we refer to as the separately elected and the dual mandate models (see chapter 4). This dichotomous choice between resolving the English question through establishment of a new separately elected body or through procedural changes in the UK parliament has been debated for over a century (see chapter 2), and we focus our analysis primarily on these two models. In each case, proponents have to date set out relatively little detail about what in practice would be involved. To an extent this lack of elaboration has been deliberate, as it is easier to gather political support for a broad, in-principle idea than for a fully worked-out blueprint; the process of laying down details may alienate some supporters. But if an English Parliament is to be viable, some kind of blueprint is clearly required. We therefore hope that our analysis will help to illuminate this debate, and provide useful insights for both supporters and sceptics of the idea of an English Parliament.

Throughout the report, as summarised below, we have explored various big issues that would need to be addressed if designing an English Parliament. These relate not only to the institution itself, but to the knock-on effects that it would have on UK-wide institutions and on UK territorial politics as a whole.

A general conclusion is that if the intention had been to work towards ‘devolution all round’, with more symmetrical arrangements between England and the existing devolved areas (as is desired by proponents of an English Parliament), devolution to those areas in the 1990s would probably have developed rather differently. Famously, UK devolution took place in a somewhat haphazard and piecemeal way, driven by historical precedents and local political circumstances, rather than any kind of ‘grand plan’ (Bogdanor 1999, Jeffery and Wincott 2006, King 2007).

Even collectively, the devolved areas represented only a small fraction of the overall UK population, allowing powers to be distributed without major knock-on effects for the UK parliament and government. The devolved powers not only differed in the three areas, but crucially the settlement involved a high degree of separation between devolved and non-devolved competencies in international comparative terms.⁸⁶ In other decentralised states (see chapter 6) there are frequently extensive ‘concurrent’ or shared powers between the central and sub-state level. Consequently in key areas such as health and education, largely devolved in the UK system, central governments tend to retain significant control over strategic decision-making. In the UK, in contrast, central government wields many of these powers only with respect to England. The devolution of such powers to an English Parliament would hence have a very substantial effect. Hence it is not just England’s possession of 85% of the population that raises questions about the stability of the UK following establishment of an English Parliament.

The separately elected model

The most obvious model for an English Parliament is to create a new, elected institution separate from the UK parliament – as happened in Scotland, Wales and Northern Ireland. Such an arrangement would be transparent, offer clear lines of accountability, and allow distinct English representation and ‘voice’. A separately elected body might also help facilitate development of distinct English political identity, and could be used to experiment with new modes of government (e.g. in terms of parliamentary procedures, government organisation and citizen engagement) distinct from those at Westminster. It is this model that most people envisage when thinking about an English Parliament, both in terms of positive benefits and the potential threats of English dominance and instability.

In chapter 6 we considered the likely powers to be devolved to an English Parliament, and in chapter 7 the possible financial arrangements. In both cases we concluded that a separately elected English Parliament would probably need to be given powers equivalent to those of the Scottish Parliament. This is both what supporters desire and also what would also make most logical sense; otherwise, the UK parliament would be left with a complex patchwork of powers, for example continuing to legislate on some policy matters for England and Wales. But avoiding such problems completely would demand greater symmetry between the existing devolved bodies, else the UK parliament would be left with (for example) some vestigial legislative powers on Wales-only matters. The establishment of an English Parliament thus has significant implications beyond England, as it could require changes to the settlements in other devolved areas. In addition, it would require a new devolution funding formula, since the current Barnett formula (based on UK government spending on English matters) would become defunct. Hence both powers and finance would inevitably become subject to complex and probably contentious negotiations.

A separately elected English Parliament would be accompanied by a separate English government, likely headed by a First Minister (as exists in the other devolved areas). An English government with powers equivalent to those of the Scottish government would be a powerful

body, and the English First Minister a powerful and high-profile figure. Some Whitehall departments (such as Health and Education) would effectively transfer wholesale to be accountable to the English Parliament, creating a large English civil service – on a comparable scale to that remaining at UK level. It is the creation of these kinds of institutions which make some fear that England could become too dominant in UK politics, with destabilising effects.

While some proponents might like a new, separately elected English Parliament to occupy Westminster (with the UK parliament located elsewhere) this seems both unlikely in practical terms, and politically undesirable. The occupation of Westminster would be hugely symbolic, and it would be important to the UK's territorial stability that its parliament was not seen to have been usurped. It is therefore more sensible to plan for an English Parliament located outside London; but the choice of this location could be contentious, and would need very careful negotiation.

Many details of the structure of a separately elected English Parliament have received relatively little thought. For example, while the other devolved legislatures are unicameral, the greater size and diversity of England could justify establishment of a bicameral body. Nonetheless a unicameral English Parliament is probably more likely, for pragmatic reasons. In order to provide sufficient members to serve on the front and backbenches, and to maintain manageable constituency sizes, this unicameral body might have around 300 members. Its planning would involve many questions, for example about the structure of legislative processes and committee systems. Notably, unlike those who campaigned for establishment of the Scottish Parliament, proponents of an English Parliament have focused very little on such matters, or on potential to create a 'new politics' and a distinct political culture in the new body – though such potential clearly exists. One thing that would significantly affect the culture, as well as the outcomes, of politics is the choice of electoral system for a separately elected English Parliament. Contrary, perhaps, to some people's assumptions, there is no reason to think that such a body would be Conservative-dominated. Basic modelling suggests that elections using a similar 'additional member system' to that used for the Scottish Parliament and National Assembly for Wales would result in hung parliaments and regular coalition governments, which might be either Conservative- or Labour-led. Other possible systems such as the single transferable vote would give similar results, while use of the Westminster 'first past the post' system seems very unlikely for a separately elected English Parliament.

Some of the biggest questions about establishment of a separately elected English Parliament relate to the knock-on effects for UK-wide institutions, both structurally and politically. Not only would the UK government and civil service shrink, but there would be justifiable pressures to reduce the number of members of the UK House of Commons, perhaps to around 350. The change would also raise very major questions about the future of the House of Lords. Hence negotiation of new structures for an English Parliament would go well beyond that body itself, requiring large – and perhaps intractable – questions to be answered about UK institutions as well.

Most fundamentally, establishment of a separately elected English Parliament would require serious consideration of the territorial nature of the UK state, of a kind that has been largely dodged since devolution. While the establishment of the existing devolved bodies could be accommodated within existing arrangements, devolution to England would fundamentally change the powers (as well as structure) of the UK government and parliament, as well as demanding far more robust arrangements for intergovernmental relations. In order to cement a new settlement, many would argue for a move to formal federalism, with the powers of both levels of government carefully negotiated and enshrined, and perhaps also for more shared powers between different levels. But as already indicated, such negotiation would be difficult. Anything that weakened the powers of the existing devolved bodies would be highly controversial in those areas; yet so would an English Parliament with Scottish Parliament-style powers, which would also greatly reduce the UK government's policy levers. The questions raised would affect the whole of the UK, and discussions would need to include the devolved governments as well as the UK government and, crucially, citizens themselves.

Although proponents of an English Parliament have some legitimate grievances, the obstacles outlined above make this outcome appear difficult and hence politically unlikely.

The dual mandate model

In contrast to the separately elected model, the dual mandate model, under which English MPs at Westminster would sit for part of the time as the English Parliament, appears to be achievable by more incremental means – which may make it seem more probable. Proponents present this as a natural next step from the current system of English votes for English laws (EVEL) at Westminster. Scottish, Northern Irish and Welsh MPs would be excluded altogether from certain England-only business, and distinct English accountability forums (such as public bill committees, select committees and question times) would develop. As an incrementalist solution, it is possible that this model could be achieved by gradual drift, in a series of further small steps, rather than through conscious and planned decision. Nonetheless, the analysis in this report suggests that it demands careful thinking through, as it could have serious unintended consequences.

One of the biggest questions facing the dual mandate model of an English Parliament concerns the role of government. Leading proponents envisage that change could be achieved without creation of a separate English government, and that the UK executive could instead continue to be responsible both for UK and England-only matters. This would, of course, mean that the desire for English 'voice', at least at a governmental level, would remain unmet. In intergovernmental negotiations – for example over the distribution of policy competencies post-Brexit – the UK government would continue to wear two 'hats'. More fundamentally, the model of a parliament without a government creates major questions about accountability. Indeed, a dual mandate English Parliament would not in fact be a 'parliament' in the traditional sense, as it would not have a confidence relationship with the government that was accountable to it. If English MPs lost confidence in the government they would have no power to remove it from

office. In practice, a breakdown in relations between the UK government and English MPs would be quite possible, particularly in circumstances where that government had no party-political majority of seats in England. Based on historic electoral performance (see Table 12.5, chapter 12), this is most likely to apply to a Labour government. The clearest way of resolving such problems could be for the government to form a ‘grand coalition’ with the Conservatives; but this could prove difficult, and highly controversial – including in the existing devolved areas.

With respect to division of powers and finance, the dual mandate model appears potentially to avoid some of the problems identified above regarding the complexity of implementing the separately elected model. However, such problems could not be wholly dodged, particularly in the longer term. For example, while the UK government would retain spending control over England, meaning that the Barnett formula could in theory survive, in practice a separate English Budget, for approval by the English Parliament, would appear politically necessary. With Barnett in place this would in effect give English MPs the ability to determine spending for the other devolved areas, which would again be controversial in those areas. Likewise, while establishment of a dual mandate English Parliament would not strictly require division of Whitehall departments between England-only and UK-wide matters, the desire for clear parliamentary accountability would press in this direction, probably driving greater separation over time.

A dual mandate English Parliament would share Westminster with the UK House of Commons, probably sitting on different days of the week.⁸⁷ Again this has a superficial simplicity, but there are many unanswered questions and potential complexities. For example, there would be accountability problems if the two bodies shared the same Speaker, and bodies such as the Procedure Committee, Liaison Committee and Backbench Business Committee; but duplication would appear quite inefficient. Particularly big questions exist regarding the role of the House of Lords, given the impossibility of identifying distinctly English peers. One option would be to cut the House of Lords out of English Parliament business completely, but this would require it to use different and more robust procedures for scrutiny than currently exist in the House of Commons, particularly with respect to legislation.

The most obvious shortcomings of the dual mandate model are its lack of distinct English ‘voice’, and the challenges of government accountability. It would also be difficult with such an arrangement to develop a clear sense of English identity and political culture, given that MPs would serve simultaneously in an English and a UK body. Despite its seeming incrementalism, the dual mandate approach would create a large and powerful body on a par with that created under the separately elected model, albeit within the confines of Westminster itself. Although there would be no English First Minister, or separate building, the anomalies created by this model might well stoke territorial tensions, and resentments in the existing devolved areas, that were just as serious as those created by a separately elected body. The risk is that political actors stumble into these problems, rather than confronting them head-on, as would be necessary if adopting the separately elected model.

Alternative models?

Our analysis therefore suggests that there are some very major obstacles to establishment of an English Parliament under either of the two models most commonly proposed. We restricted ourselves to considering the effects of these two models because they are the only ones that have as yet attracted any significant support. But our conclusions raise the question of whether there are alternative models, or alternative mechanisms, that could help to satisfy proponents' demands.

While the knock-on effects of establishing an English Parliament under the separately elected or the dual mandate model could prove problematic, proponents nonetheless raise some valid criticisms of the existing system. One is the lack of a distinct English 'voice', most obviously during intergovernmental negotiations – for example recently over the Brexit process. In addition, and relatedly, there is no clear forum within which a distinct English polity and English political culture can develop – this is, for example, one of the key criticisms that has been levelled at the current system of English votes for English laws (Gover and Kenny 2016). There are risks that the lack of such voice, and such forums, could over time prove increasingly corrosive to political trust among the English, particularly if exploited by campaigners.

As touched upon in chapter 4, some other embryonic proposals for different kinds of English Parliament do exist. For example, some on the left have expressed interest in development of an indirectly elected body, building on structures of local and regional government. The prime difficulty with this model is the currently extremely patchy nature of such structures (Ayres, Flinders and Sandford 2017, Pike et al. 2016, Sandford 2016). Under today's arrangements coordination of different kinds, short of an English Parliament, is possible – and may be increasingly likely following the recent establishment of more 'metro mayors'. A combined voice of this kind could begin to speak for England, but only for certain parts of it (unless other local council representation were included), and most likely in relatively informal ways. A more systematic process of devolution *within* England, to regions, could enable more robust coordination – but this is not currently on the political agenda and (as seen in chapter 3) attracts only limited public support. Should such forums become feasible, these would deal with some of the grievances of campaigners for an English Parliament, and might also address some of the concerns expressed by their opponents – that an all-England body would become too powerful, while feeling almost as remote to many local communities as does Westminster. However, as yet, in any developed form, these feel like quite distant ideas. They would anyway not deliver the equality with institutions in Northern Ireland, Scotland and Wales that many English Parliament reformers demand.

It is therefore worth exploring whether there are any other means, short of an English Parliament, of dealing with the key grievances identified by proponents of such a body. As seen in chapter 3, some possibilities have been floated in opinion polls – including a Secretary of State for England, or UK ministers for the English regions. Only the first of these would offer the kind of all-England voice that campaigners desire. In addition to possible changes at

governmental level, some alternative suggestions have been made for strengthening English ‘voice’ at Westminster – such as creation of an English grand committee (Gover and Kenny 2016). This would fall short of the dual mandate model, and could certainly not be described as a ‘parliament’, but could provide accountability – for example on questions such as how England’s interests are being considered in the negotiations over post-Brexit devolution arrangements.

Future prospects and implementation issues

We have seen that demand for an English Parliament has grown slowly, and has edged towards the mainstream – though it continues to be a minority interest. Nonetheless, campaigners raise some legitimate grievances, and point to anomalies in the existing devolution settlement which have yet to be resolved. At present, all attention in British politics is focused on Brexit, with little opportunity for government or parliament to address much else. Nonetheless, Brexit itself raises difficult territorial questions. The months and years ahead will see complex and potentially fraught negotiations over the distribution of policy competencies currently held by the EU, which could strain relations between the devolved bodies and the UK government. In these negotiations, the fact that Whitehall ministers must speak for both the UK and for England has potential to aggravate concerns on all sides. Hence the question of English representation, and greater equity with the existing devolved areas, seems unlikely to go away.

The Brexit process has illustrated how a seemingly straightforward decision – to leave the EU – can lead to significant, and partly unforeseen, complexities. It demonstrates the wisdom in looking several steps ahead when taking big policy decisions. The decision over whether to adopt an English Parliament should be seen in a similar light. Sometimes presented as little more than a slogan by proponents, the establishment of an English Parliament would have profound effects – across the whole of the UK, not just for England. That is not in itself a reason to reject the idea, merely to think it through with care. It remains the case that, in Hazell’s words, England is the ‘gaping hole in the devolution settlement’ (2006c: 1). But filling that hole would by definition create a system of ‘devolution all round’, demanding that unanswered questions about the UK’s territorial future be finally addressed. While arrangements for Scotland, Wales and Northern Ireland in the 1990s could be constructed piecemeal, the idea of an English Parliament cannot – and should not – be approached in a similar way.

This report has therefore illustrated that the lingering concerns about lack of English representation and voice should be taken seriously, but must be considered within a broader context of the UK’s territorial future. Unlike the citizens of Scotland, Wales and Northern Ireland, residents in England have had little opportunity to debate their governing structures. Some have suggested that this is addressed by a referendum on establishment of an English Parliament. But referendums are ‘blunt instruments’ (LeDuc 2015, Marshall 1997: 312), offering little opportunity to get to grips with the kinds of complexities identified in this report – so such an exercise would need to be preceded by more detailed consideration of the options. In addition, as we have shown, the UK-wide repercussions of establishment of an English

Parliament (even under the dual mandate model) would be very great. This implies that citizens across the UK should be involved in such debates.

If proponents of an English Parliament wish to convince others of their idea, it remains incumbent on them to come up with a detailed blueprint for consideration. That is true not only of the separately elected model, but also the dual mandate model – which it would be ill-advised to stumble into without thinking through the longer-term effects. Notably such proposals remain extremely underdeveloped compared to those which emerged from the Scottish Constitutional Convention (1995). We hope that the analysis in this report is helpful when considering such an exercise.

In terms of next steps, whether campaigners prepare detailed blueprints or not, there is a clear need to discuss the territorial options for a post-Brexit UK. Such discussions would be well suited to a deliberative citizens' convention (see e.g. Renwick and Hazell 2017) – though the intractability of these questions means that there is no guarantee such a body could reach agreement. The primary participants in a convention of this kind should be English representatives, but it might be embedded within, or subsequently spark, a broader deliberative exercise involving others throughout the UK. Its starting point would need to be the full range of options on the table – from an English Parliament on either model to local government reform, regionalism, or other forms of representation such as a Secretary of State for England and/or English grand committee. This would be a challenging venture, but questions as large and important as these deserve serious deliberation, and careful answers.

Bibliography

- Agranoff, R. and Gallarín, J. A. R. (1997), 'Toward Federal Democracy in Spain: An Examination of Intergovernmental Relations', *Publius*, 27(4), 1-38.
- Aja, E. and Colino, C. (2014), 'Multilevel Structures, Coordination and Partisan Politics in Spanish Intergovernmental Relations', *Comparative European Politics*, 12(4-5), 444-67.
- All Party Parliamentary Group on Social Integration (2017), *Integration not Demonisation: The Final Report of the All-Party Parliamentary Group on Social Integration's Inquiry into the Integration of Immigrants*, (London: All Party Parliamentary Group on Social Integration).
- Andrew Marr Show (2015), 'The Andrew Marr Show Interview: Alex Salmond, MSP, Former First Minister', [<http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/26071503.pdf>, accessed 9 May 2017].
- Apostolova, V., Audickas, L., Baker, C., Bate, A., Cracknell, R., Dempsey, N., Hawkins, O., McInnes, R., Rutherford, T. and Uberoi, E. (2017), *General Election 2017: Results and Analysis (Briefing Paper CBP7979)*, (London: House of Commons Library).
- Arabia, A. G. (2014), 'Legislation by the Ordinary Statute Regions: Powers and Subjects' in S. Mangiameli, ed, *Italian Regionalism: Between Unitary and Traditions and Federal Processes - Investigating Italy's Form of State* (New York: Springer Cham Heidelberg).
- ARK Northern Ireland (2002), 'The Northern Ireland Senate, 1921-72', [<http://www.ark.ac.uk/elections/hnisen.htm>, accessed 8 August 2017].
- Arter, D. (2004), *The Scottish Parliament: A Scandinavian-Style Assembly?* (Abingdon: Routledge).
- Assembly Commission (2015), *The Future of the Assembly: Ensuring its Capacity to Deliver for Wales* (Cardiff: National Assembly for Wales).
- Audickas, L., Hawkins, O. and Cracknell, R. (2017), *UK Election Statistics: 1918-2017 (Briefing Paper CBP7529)*, (London: House of Commons Library).
- Auditor General for Wales (2000), *Accommodation Arrangements for the National Assembly for Wales*, (Cardiff: National Audit Office Wales).
- Auditor General for Wales (2008), *The Senedd*, (Cardiff: Wales Audit Office).
- Auel, K. (2014), 'Intergovernmental Relations in German Federalism: Cooperative Federalism, Party Politics and Territorial Conflicts', *Comparative European Politics*, 12(4/5), 422-43.
- Aughey, A. (2010), 'Anxiety and Injustice: The Anatomy of Contemporary English Nationalism', *Nations and Nationalism*, 16(3), 506-24.
- Ayres, S., Flinders, M. and Sandford, M. (2017), 'Territory, Power and Statecraft: Understanding English Devolution', *Regional Studies*, online early, 1-12.
- Barnett, A. (2016), 'Why Britain Needs a Written Constitution', *The Guardian*, 30 November 2016.
- Baston, L. (2005), *The UK General Election of 5 May 2005: Report and Analysis* (London: Electoral Reform Society).
- Baston, L. (2010), *The UK General Election 2010: In-depth* (London: Electoral Reform Society).
- Baston, L. and Ritchie, K. (2011), *Don't Take No for an Answer: The 2011 Referendum and the Future of Electoral Reform* (London: Biteback).
- Bayliss, C. (2016), 'The UK will COLLAPSE?: UKIP leader vows to fight for English Parliament to save Britain', *Daily Express*, 30 November 2016.
- BBC News (1998), 'New Push for English Assembly', [http://news.bbc.co.uk/1/hi/uk_politics/186414.stm, accessed 10 March 2017].
- BBC News (2005), 'Top Prize for Parliament Building', [<http://news.bbc.co.uk/1/hi/uk/4343690.stm>, accessed 18 August 2017].
- BBC News (2006), 'Senedd Bid for Architecture Award', [<http://news.bbc.co.uk/1/hi/wales/6048902.stm>, accessed 18 August 2017].

- BBC News (2007), '£414m Bill For Holyrood Building',
[\[http://news.bbc.co.uk/1/hi/scotland/6382177.stm\]](http://news.bbc.co.uk/1/hi/scotland/6382177.stm), accessed 18 August 2017].
- BBC News (2010), 'Police Transfer Over Final Hurdle',
[\[http://news.bbc.co.uk/1/hi/northern_ireland/8584603.stm\]](http://news.bbc.co.uk/1/hi/northern_ireland/8584603.stm), accessed 8 August 2017].
- BBC News (2011), 'Scotland Elections',
[\[http://www.bbc.co.uk/news/special/election2011/overview/html/scotland.stm\]](http://www.bbc.co.uk/news/special/election2011/overview/html/scotland.stm),
 accessed 17 October 2017].
- BBC News (2014a), 'English Democrats Seek Independence for England',
[\[http://www.bbc.co.uk/news/uk-politics-26583314\]](http://www.bbc.co.uk/news/uk-politics-26583314), accessed 6 April 2017].
- BBC News (2014b), 'Wales Tax Powers Bill Given Royal Assent',
[\[http://www.bbc.co.uk/news/uk-wales-politics-30520738\]](http://www.bbc.co.uk/news/uk-wales-politics-30520738), accessed 8 August 2017].
- BBC News (2016a), 'Presiding Officer Calls for Holyrood Second Chamber',
[\[http://www.bbc.co.uk/news/uk-scotland-scotland-politics-35761663\]](http://www.bbc.co.uk/news/uk-scotland-scotland-politics-35761663), accessed 8 August 2017].
- BBC News (2016b), 'Scotland Election 2016: Results',
[\[http://www.bbc.co.uk/news/election/2016/scotland/results\]](http://www.bbc.co.uk/news/election/2016/scotland/results), accessed 24 August 2017].
- BBC News (2017), 'Wales Bill Receives Royal Assent to Become Law',
[\[http://www.bbc.co.uk/news/uk-wales-politics-38813095\]](http://www.bbc.co.uk/news/uk-wales-politics-38813095), accessed 8 August 2017].
- Beesley, A. (2010), 'Criticism Mounts of MEPs' Monthly Move to Strasbourg', (The Irish Times),
[\[https://www.irishtimes.com/news/criticism-mounts-of-meps-monthly-move-to-strasbourg-1.639774\]](https://www.irishtimes.com/news/criticism-mounts-of-meps-monthly-move-to-strasbourg-1.639774), accessed 21 August 2017].
- Benn, T. and Hood, A. (1993), *Common Sense: A New Constitution for Britain* (London: Hutchinson).
- Bingham Centre for the Rule of Law (2015), *A Constitutional Crossroads: Ways Forward for the United Kingdom*, (London: Bingham Centre for the Rule of Law).
- Birrell, D. (2012), *Comparing Devolved Governance* (Basingstoke: Palgrave Macmillan).
- Blau, A. (2004), 'Fairness and Electoral Reform', *British Journal of Politics and International Relations*, 6(2), 165-81.
- Blick, A. (2016), *Federalism: The UK's Future?* (London: The Federal Trust).
- Bogdanor, V. (1999), *Devolution in the United Kingdom* (Oxford: Oxford University Press).
- Bogdanor, V. (2003), 'Asymmetric Devolution: Towards a Quasi-Federal Constitution?' in P. Dunleavy, A. Gamble, R. Heffernan & G. Peele, eds, *Developments in British Politics 7* (Basingstoke: Palgrave Macmillan).
- Bogdanor, V. (2010), 'The West Lothian Question', *Parliamentary Affairs*, 63(1), 156-72.
- Bogdanor, V. (2014), 'Why English Votes for English Laws is a Kneejerk Absurdity', *The Guardian*, 24 September 2014.
- Bogdanor, V. (2015), *The Crisis of the Constitution: The General Election and the Future of the Union*, (London: The Constitution Society).
- Bolleyer, N., Swenden, W. and McEwen, N. (2014), 'Constitutional Dynamics and Partisan Conflict: A Comparative Assessment of Multi-Level Systems in Europe', *Comparative European Politics*, 12(4-5), 531-55.
- Bone, E. (2016), 'Speech to the Centre for English Identity and Politics, University of Winchester', (Campaign for an English Parliament),
[\[https://thecepreview.wordpress.com/2016/11/14/the-cep-speech-to-the-center-for-english-identity-and-politics-at-winchester-university-101116/\]](https://thecepreview.wordpress.com/2016/11/14/the-cep-speech-to-the-center-for-english-identity-and-politics-at-winchester-university-101116/), accessed 6 April 2017].
- Booth, P. (2015), *Federal Britain: The Case for Decentralization*, (London: Institute for Economic Affairs).
- Bowers, P. (2016), *Wales Bill 2016-17 (Briefing Paper 07617)*, (London: House of Commons Library).

- Bradbury, J. and Mitchell, J. (2007), 'The Constituency Work of Members of the Scottish Parliament and National Assembly for Wales: Approaches, Relationships and Rules', *Regional & Federal Studies*, 17(1), 117-45.
- Bragg, B. (2000), 'Why York Should Be the Capital of England', *The Guardian*, 12 January 2000.
- Brazier, A. and Fox, R. (2010), 'Enhancing the Backbench MP's Role As a Legislator: The Case for Urgent Reform of Private Members Bills', *Parliamentary Affairs*, 63(1), 201-11.
- Brown, G. (2017), 'Brexit is an Opportunity to Make a Federal United Kingdom', *Financial Times*, 28 March 2017.
- Bryant, C. (2010), 'English Identities and Interests in the Governance of Britain', *Parliamentary Affairs*, 63(2), 250-65.
- Cabinet Office (2007), *The House of Lords: Reform*, (London: The Stationery Office).
- Cabinet Office (2011), *House of Lords Reform Draft Bill*, (London: The Stationery Office).
- Cabinet Office (2013), 'Devolution Settlement: Northern Ireland', [https://www.gov.uk/guidance/devolution-settlement-northern-ireland, accessed 8 August 2017].
- Cairney, P. (2006), 'The Analysis of Scottish Parliament Committee Influence: Beyond Capacity and Structure in Comparing West European Legislatures', *European Journal of Political Research*, 45, 181-208.
- Cairney, P. (2013), 'How Can the Scottish Parliament Be Improved as a Legislature?', *Scottish Parliamentary Review*, 1(1).
- Cairney, P. and Johnston, J. (2013–14), 'What is the Role of the Scottish Parliament?', *Scottish Parliamentary Review*, 1(2), 91-130.
- Cameron, D. (2014), 'Scottish Independence Referendum: Statement by the Prime Minister', [https://www.gov.uk/government/news/scottish-independence-referendum-statement-by-the-prime-minister, accessed 14 March 2017].
- Campaign for an English Parliament (2013), *About the C.E.P.* (Bordon: Campaign for an English Parliament).
- Campaign for an English Parliament (2016), 'UK Prime Minister Insults the English: Where is the English First Minister in These Brexit talks?', [https://thecepreview.wordpress.com/2016/10/24/uk-prime-minster-insults-the-english-where-is-the-english-first-minister-in-these-brexit-talks/, accessed 1 September 2017].
- Campaign for an English Parliament (2017a), 'Aims, Principles and Policies', [https://thecepreview.wordpress.com/aims-principles-and-policies/, accessed 14 March 2017].
- Campaign for an English Parliament (2017b), 'Regionalisation – The Destruction of England', [https://thecepreview.wordpress.com/regionalisation-the-destruction-of-england/, accessed 14 March 2017].
- Campaign for an English Parliament (2017c), 'Your Questions', [https://thecepreview.wordpress.com/your-questions/, accessed 7 April 2017].
- Campaign for an English Parliament (nd), 'Devolution for England: A Critique of the Conservative Party Policy "English Votes on English Matters"', [https://thecepreview.wordpress.com/devolution-for-england/, accessed 14 March 2017].
- Carrell, S. (2017), 'Gordon Brown Pushes 'Patriotic' Third Option for Scotland After Brexit', *The Guardian*, 18 March 2017.
- Chattopadhyay, R. (2011), *Sub-national Second Chambers and Regional Representation: International Experiences. Submission to Kelkar Committee on Maharashtra*, (Ottawa: Forum of Federations).
- Clougherty, T. (2007), *A Parliament for England* (London: Adam Smith Institute).
- Coakley, J. (2014), 'The Strange Revival of Bicameralism', *Journal of Legislative Studies*, 20(4), 542-72.

- Cole, A. (2017), *French Politics and Society* (Abingdon: Routledge).
- Colino, C. (2009), 'Constitutional Change Without Constitutional Reform: Spanish Federalism and the Revision of Catalonia's Statute of Autonomy', *Publius*, 39(2), 262-88.
- Commission on Devolution in Wales (2012), *Empowerment and Responsibility: Fiscal Powers to Strengthen Wales*, (Cardiff: Commission on Devolution in Wales).
- Commission on Devolution in Wales (2014), *Empowerment and Responsibility: Legislative Powers to Strengthen Wales*, (Cardiff: Commission on Devolution in Wales).
- Commission on Parliamentary Reform (2017), *Report on the Scottish Parliament: Your Parliament, Your Voice* (Edinburgh: Commission on Parliamentary Reform).
- Conservative Party (2001), '2001 Conservative Party General Election Manifesto: Time for Common Sense', (conservativemanifesto.com), [<http://www.conservativemanifesto.com/2001/2001-conservative-manifesto.shtml#democracy>, accessed 10 March 2017].
- Conservative Party (2005), *Are You Thinking What We're Thinking?: It's Time for Action: Conservative Election Manifesto 2005* (London: Conservative Party).
- Conservative Party (2010), *Invitation to Join the Government of Britain: The Conservative Manifesto 2010* (London: Conservative Party).
- Conservative Party (2015), *Strong Leadership. A Clear Economic Plan. A Brighter, More Secure Future* (London: Conservative Party).
- Conservative Party (2017), *Forward Together: The Conservative Manifesto* (London: Conservative Party).
- Constitution Committee (2016a), *Delegated Legislation and Parliament: A Response to the Strathclyde Review (Ninth Report of Session 2015-16)*, HL Paper 116 (London: House of Lords).
- Constitution Committee (2016b), *English Votes for English Laws (Sixth Report of Session 2016-17)*, (London: House of Lords).
- Constitution Committee (2016c), *The Union and Devolution (Tenth Report of Session 2015-16)*, HL Paper 149 (London: House of Lords).
- Constitution Reform Group (2015), *Towards a New Act of Union: A Discussion Paper* (London: Constitution Reform Group).
- Consultative Steering Group on the Scottish Parliament (1998), *Shaping Scotland's Parliament: Report of the Consultative Steering Group on the Scottish Parliament*, (The Scottish Office).
- Copus, C. (2014), 'An English Parliament Terrifies the British Political and Academic Elite Far More Than the Thought of Scottish Separatism Did', (Political Studies Association blog), [<https://www.psa.ac.uk/insight-plus/blog/english-parliament-terrifies-british-political-and-academic-elite-far-more-thought>, accessed 12 December 2016].
- Copus, C. (2018), 'In the Post-Brexit World, England Deserves its Own Parliament', (LSE Brexit blog), [<http://blogs.lse.ac.uk/brexit/2018/01/18/in-the-post-brexit-world-england-deserves-its-own-parliament/>, accessed 24 January 2018].
- Cox, R. H. and Frankland, E. H. (1995), 'The Federal State and the Breakup of Czechoslovakia: An Institutional Analysis', *Publius*, 25(1), 71-88.
- Cracknell, R., McGuinness, F. and Rhodes, C. (2011), *General Election 2010 (Research Paper 10/36)*, (London: House of Commons Library).
- Cruddas, J. (2015), 'Labour is Lost in England', (Labour List), [<http://labourlist.org/2015/09/jon-cruddas-labour-is-lost-in-england/>, accessed 6 April 2017].
- Cullen, S. (2016), 'Independence for England?', (Campaign for an English Parliament), [<https://thecepreview.wordpress.com/2016/08/17/independence-for-england/>, accessed 12 December 2016].
- Curtice, J. (2016), *British Social Attitudes 33: Politics*, (London).
- Curtice, J. and Ormston, R. (2015), *British Social Attitudes 32*, (London: NatCen).
- Dalyell, T. (2016), *The Question of Scotland: Devolution and After* (Edinburgh: Birlinn).

- Dardanelli, P. and Kincaid, J. (2016), 'A New Union? Federalism and the UK', *Political Insight*, 7(3), 12-15.
- Davis, D. (2014), 'Scotland Has Spoken. Let's Listen to England', *The Sunday Times*, 21 September 2014.
- Deacon, R. (1997), 'How the Additional Member System Was Buried and Then Resurrected in Wales', *Representation*, 34(3-4), 219-25.
- Dearden, L. (2014), 'Scottish Independence: Cameron, Miliband and Clegg Sign Devolution "Vow" But Scots Sceptical', *The Independent*, 16 September 2014.
- Deloitte (2016), *Taxation and Investment in Italy 2016: Reach, Relevance and Reliability*, (London: Deloitte Touche Tomatsu).
- Dempsey, N. (2017), *Northern Ireland Assembly Elections: 2017 (Briefing Paper CBP7920)*, (London: House of Commons Library).
- Denham, J. (2016), 'England: A Crisis', *Fabian Review*, 128(2), 4-5.
- Dennison, J. (2014), 'An English Parliament: The Best Way to Save the UK?', (Open Democracy), [<https://www.opendemocracy.net/ourkingdom/james-dennison/english-parliament-best-way-to-save-uk>], accessed 12 December 2016].
- Department of Finance Canada (2011), 'Equalization Program', (Government of Canada), [<http://www.fin.gc.ca/fedprov/eqp-eng.asp>], accessed 20 September 2017].
- Deschouwer, K. (2005), 'Kingdom of Belgium' in J. Kincaid & G. A. Tarr, eds, *Constitutional Origins, Structure and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).
- Deschouwer, K. (2012), *The Politics of Belgium: Governing a Divided Society* (Basingstoke: Palgrave Macmillan).
- Deutsche Bundesbank (2014), *The Reform of Financial Relations in the German System*, (Frankfurt: Deutsche Bundesbank).
- Dunleavy, P. and Margetts, H. (2004), 'How Proportional Are the "British AMS" Systems?', *Representation*, 40(4), 316-28.
- Dunleavy, P. and Margetts, H. (2005), 'The Impact of UK Electoral Systems', *Parliamentary Affairs*, 58(4), 854-70.
- Edwards, C. (2013), 'Fiscal Federalism in the United States' in J. Clemens & N. Veldhuis, eds, *Federalism and Fiscal Transfers: Essays on Australia, Germany, Switzerland and the United States* (Vancouver: Fraser Institute).
- Edwards, P. (2017), 'Denham and Key Corbyn Ally Join Forces for "Patriotic" English Labour Initiative', (Labour List), [<https://labourlist.org/2017/07/denham-and-key-corbyn-ally-join-forces-for-english-labour-initiative/>], accessed 27 September 2017].
- Elazar, D. J. (1962), *The American Partnership, Intergovernmental Co-operation in the Nineteenth Century United States* (Chicago, IL: University of Chicago Press).
- Elazar, D. J. (1993), 'International and Comparative Federalism', *Political Science and Politics*, 26(2), 190-95.
- English Democrats (2015), *English Democrats Manifesto: Putting England First* (Ongar: English Democrats).
- Evans, A. (2016), 'Too Old A Country ... Too Long Accustomed to Regard Her Life as One and Indivisible': England and the Speaker's Conference on Devolution', *Contemporary British History*, 31(3), 366-83.
- Expert Panel on Assembly Electoral Reform (2017), *A Parliament That Works for Wales: The Report of the Expert Panel on Assembly Electoral Reform*, (Cardiff: National Assembly for Wales).
- Farrell, D. M. (1997), *Comparing Electoral Systems* (New York: Prentice Hall).
- Farrell, D. M., Suiter, J. and Harris, C. (2017), 'The Challenge of Reforming a 'Voter-Friendly' Electoral System: The Debates Over Ireland's Single Transferable Vote', *Irish Political Studies*, 32(2), 293-310.

- Federal Ministry of Finance (n.d.), 'Fiscal Federalism', (Austrian Federal Ministry of Finance), [<https://english.bmf.gv.at/budget-economic-policy/Fiscal-Federalism.html>, accessed 19 September 2017].
- Ferguson, M. (2014), 'The Last Thing England Needs is an English Parliament', (Labour List), [<http://labourlist.org/2014/09/the-last-think-england-needs-is-an-english-parliament/>, accessed 28 September 2017].
- Field, F. (2014), 'An English Parliament: The Only Way to Save the UK', [<http://www.frankfield.com/latest-news/articles/news.aspx?p=102868>, accessed 14 March 2017].
- Field, F. (2017), 'Let Us Rule Our England with an English Parliament', (Sunday Express), [<http://www.express.co.uk/comment/expresscomment/834711/frank-field-english-parliament-constitutional-reform-brexit>, accessed 1 August 2017].
- Finanzen, B. d. (n.d.), *The Federal Fiscal Equalisation System in Germany*, (Berlin: Bundesministerium der Finanzen).
- Fitzmaurice, J. (1983), *The Politics of Belgium: Crisis and Compromise in a Plural Society* (London: C. Hurst & Company).
- Freeguard, G., Adam, R., Andrews, E. and Boon, A. (2017), *Whitehall Monitor: The Civil Service as it Faces Brexit*, (London: Institute for Government).
- Gamper, A. (2006), 'Republic of Austria' in K. Le Roy & C. Saunders, eds, *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).
- Ganesh, J. (2014), 'The Only Future for the UK is a Federal One', *Financial Times*, 9 March 2015.
- Garland, J. and Terry, C. (2015), *The 2015 General Election: A Voting System in Crisis* (London: Electoral Reform Society).
- Garland, J. and Terry, C. (2017), *The 2017 General Election: Volatile Voting, Random Results* (London: Electoral Reform Society).
- Goossens, J. and Cannoot, P. (2015), 'Belgian Federalism After the Sixth State Reform', *Perspectives on Federalism*, 7(2), 29-55.
- Gordon, T. (2017), 'Kezia Dugdale Fleshes Out Scottish Labour Federalism Plan', *The Herald*, 13 February 2017.
- Gorman, T. (1999), *A Parliament for England* (Cheltenham: This England).
- Gover, D. and Kenny, M. (2016), *Finding the Good in EVEL: An Evaluation of "English Votes for English Laws" in the House of Commons* (Edinburgh: Centre on Constitutional Change).
- Government of India (2015), *The Constitution of India* (New Delhi: Government of India Ministry of Law and Justice (Legislative Department)).
- Gunlicks, A. (2003), *The Länder and German State Federalism* (Manchester: Manchester University Press).
- Gunther, R. and Montero, J. R. (2009), *The Politics of Spain* (Cambridge: Cambridge University Press).
- Gunther, R., Montero, J. R. and Botella, J. (2004), *Democracy in Modern Spain* (New Haven, CT: Yale University Press).
- Hague, R. and Harrop, M. (2013), *Comparative Government and Politics: An Introduction* (Basingstoke: Palgrave Macmillan).
- Hague, W. (1998a), *Speech to the Centre for Policy Studies by the Rt Hon William Hague MP* (London: Centre for Policy Studies).
- Hague, W. (1998b), 'William Hague - 1998 Conservative Party Conference Speech', [<http://www.ukpol.co.uk/william-hague-1998-conservative-party-conference-speech/>, accessed 14 March 2017].
- Hansen, E. (2010), 'The Parliamentary Behaviour of Minor Parties and Independents in Dáil Éireann', *Irish Political Studies*, 25(4), 643-60.

- Harding, A., Hazell, R., Burch, M. and Rees, J. (2008), 'Answering the English Question' in R. Hazell, ed, *Constitutional Futures Revisited: Britain's Constitution to 2020* (Basingstoke: Palgrave Macmillan).
- Hawkins, O., Keen, R. and Nakatudde, N. (2015), *General Election 2015 (Briefing Paper CBP7186)*, (London: House of Commons Library).
- Hayton, R. (2016), 'The UK Independence Party and the Politics of Englishness', *Political Studies Review*, 14(3), 400-10.
- Hazell, R. (2000), 'Introduction: The First Year of Devolution' in R. Hazell, ed, *The State and the Nations: The First Year of Devolution in the United Kingdom* (Thorverton: Imprint Academic).
- Hazell, R. (2001), *Three into One Won't Go: The Future of the Territorial Secretaries of State* (London: Constitution Unit).
- Hazell, R. (2006a), 'Conclusion: What Are the Answers to the English Question?' in R. Hazell, ed, *The English Question* (Manchester: Manchester University Press).
- Hazell, R., ed (2006b), *The English Question* (Manchester: Manchester University Press).
- Hazell, R. (2006c), 'Introduction: What is the English Question?' in R. Hazell, ed, *The English Question* (Manchester: Manchester University Press).
- Hazell, R. (2015), *Devolution and the Future of the Union*, (London: Constitution Unit).
- Hazell, R. and Cornes, R. (1999), 'Financing Devolution: The Centre Retains Control' in R. Hazell, ed, *Constitutional Futures: A History of the Next Ten Years* (Oxford: Oxford University Press).
- Hazell, R. and O'Leary, B. (1999), 'A Rolling Programme of Devolution: Slippery Slope or Safeguard of the Union?' in R. Hazell, ed, *Constitutional Futures: A History of the Next Ten Years* (Oxford: Oxford University Press).
- Hazell, R. and Sandford, M. (2015), 'English Question or Union Question? Neither Has Easy Answers', *Political Quarterly*, 86(1), 16–23.
- Hazell, R. and Sinclair, D. (1999), 'The British Constitution in 1997-98: Labour's Constitutional Revolution', *Parliamentary Affairs*, 52(2), 161-78.
- Heffer, S. (2008), 'England, Arise and Claim Self-Determination!', *Daily Telegraph*, 23 April 2008.
- Heffer, S. (2014), 'Why I Believe it's Inevitable We Will Have an All-English Parliament', *Daily Mail*, 29 November 2014.
- Heinemann, F. (2016), 'Compromise on the Financial Equalisation Scheme – A Dark Day for German Federalism', (ZEW), [\[http://www.zew.de/en/presse/pressearchiv/kompromiss-beim-laenderfinanzausgleich-schwarzer-tag-fuer-den-deutschen-foederalismus/\]](http://www.zew.de/en/presse/pressearchiv/kompromiss-beim-laenderfinanzausgleich-schwarzer-tag-fuer-den-deutschen-foederalismus/), accessed 20 September 2017].
- Henderson, A., Jeffery, C. and Liñeira, R. (2015), 'National Identity or National Interest? Scottish, English and Welsh Attitudes to the Constitutional Debate', *Political Quarterly*, 86(2), 265-74.
- Hix, S. and Whitaker, R. (2016), 'Do MEPs Want to Keep "Schlepping" to Strasbourg? How Travel Time Influences Views on the Location of the European Parliament', (LSE European Politics and Policy blog), [\[http://blogs.lse.ac.uk/euoppblog/2016/11/07/meps-strasbourg-survey-schlepping/\]](http://blogs.lse.ac.uk/euoppblog/2016/11/07/meps-strasbourg-survey-schlepping/), accessed 21 August 2017].
- HM Treasury (2015), *Statement of Funding Policy: Funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly* (London: HM Treasury).
- Hough, J. F. (1997), *Democratization and Revolution in the USSR, 1985-1991* (Washington, D.C.: Brookings Institution Press).
- Hunt, T., ed (2016a), *Labour's Identity Crisis: England and the Politics of Patriotism* (Winchester: Centre for English Identity and Politics, University of Winchester).
- Hunt, T. (2016b), "'We Need a Solution to the English Question" – Tristram Hunt Calls for English Referendum', (Labour List), [\[http://labourlist.org/2016/02/the-labour-party-has-a-problem-we-need-a-solution-to-the-english-question/\]](http://labourlist.org/2016/02/the-labour-party-has-a-problem-we-need-a-solution-to-the-english-question/), accessed 14 March 2017].

- Hutton, W. (2014), 'We Have 10 Days to Find a Settlement to Save the Union', *The Guardian*, 6 September 2014.
- Ifan, G. and Poole, E. G. (2016), *Devolving Stamp Duty and Landfill Tax to Wales: Mitigating the Budget Risks After "Switching on" Wales' First Home-Grown Taxes*, (Cardiff: Wales Governance Centre).
- Independent Commission on PR (2003), *Changed Voting Changed Politics: Lessons of Britain's Experience of PR Since 1997* (London: Constitution Unit).
- Independent Commission on the Voting System (1998), *The Report of the Independent Commission on the Voting System*, (London: The Stationery Office).
- Independent Parliamentary Standards Authority (2017), *The Scheme of MPs' Business Costs and Expenses 2017-18*, (London: Independent Parliamentary Standards Authority).
- Jeffery, C. and Wincott, D. (2006), 'Devolution in the United Kingdom: Statehood and Citizenship in Transition', *Publius*, 36(1), 3-18.
- Jeffery, C., Wyn Jones, R., Henderson, A., Scully, R. and Lodge, G. (2014), *Taking England Seriously: The New English Politics* (Edinburgh: Centre on Constitutional Change).
- Jeffries, I. (2002), *The Former Yugoslavia at the Turn of the Twenty-first Century: A Guide to Economies in Transition* (New York, NY: Routledge).
- Johnston, R. and Pattie, C. (2002), 'Campaigning and Split-Ticket Voting in New Electoral Systems: The First MMP Elections in New Zealand, Scotland and Wales', *Electoral Studies*, 21(4), 583-600.
- Jones, C. (2017), 'The Prime Minister Must Not Gamble with People's Jobs and Livelihoods', (Welsh Government), [<http://gov.wales/newsroom/firstminister/2017/170613-prime-minister-must-not-gamble-with-livelihoods/?lang=en>], accessed 22 September 2017].
- Katwala, S. (2017), '52 Minority MPs to Sit in "Most Diverse UK Parliament Ever"', (British Future), [<http://www.britishfuture.org/articles/52-minority-mps-to-sit-in-most-diverse-uk-parliament-ever/>], accessed 2 November 2017].
- Keating, M. (2017), 'To Devolve or Not to Devolve', (Centre on Constitutional Change), [<http://www.centreonconstitutionalchange.ac.uk/blog/devolve-or-not-devolve>], accessed 1 August 2017].
- Keep, M. (2016), *The Barnett Formula (Briefing Paper 7386)*, (London: House of Commons Library).
- Kelso, A. (2015), 'Parliament and Government Formation in the United Kingdom' in B. E. Rasch, S. Martin & J. A. Cheibub, eds, *Parliaments and Government Formation: Unpacking Investiture Rules* (Oxford: Oxford University Press).
- Kendle, J. (1989), *Ireland and the Federal Solution: The Debate Over the United Kingdom Constitution, 1870-1921* (Kingston: McGill-Queen's University Press).
- Kenny, M. (2014), *The Politics of English Nationhood* (Oxford: Oxford University Press).
- Kenny, M. (2017), 'Labour's Unavoidable English Question', (Constitution Unit blog), [<https://constitution-unit.com/2017/09/22/labours-unavoidable-english-question/>], accessed 19 December 2017].
- Kenworthy, L. and Malami, M. (1999), 'Gender Inequality in Political Representation: A Worldwide Comparative Analysis', *Social Forces*, 78(1), 235-68.
- Killey, I. (2014), *Constitutional Conventions in Australia: An Introduction to the Unwritten Rules of Australia's Constitutions* (London: Anthem Press).
- King, A. (2007), *The British Constitution* (Oxford: Oxford University Press).
- Knight, D. B. (1991), *Choosing Canada's Capital: Conflict Resolution in a Parliamentary System* (Ottawa: Carleton University Press).
- Knopff, R. and Sayers, A. (2005), 'Canada' in J. Kincaid & G. A. Tarr, eds, *Constitutional Origins, Structure and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).

- Kramer, J. (2005), 'Federal Republic of Germany' in J. Kincaid & G. A. Tarr, eds, *Constitutional Origins, Structure, and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).
- Krook, M. L. (2009), *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide* (Oxford: Oxford University Press).
- Labour Party (1997), *New Labour: Because Britain Deserves Better*, (London: Labour Party).
- Lagassé, P. and Baud, P. (2016), 'The Crown and Constitutional Amendment in Canada After the Senate Reform and Supreme Court References' in E. Macfarlane, ed, *Constitutional Amendemnt in Canada* (Toronto: University of Toronto Press).
- Law, J. (2013), 'How Can We Define Federalism?', *Perspectives on Federalism*, 5(3), 88-120.
- LeDuc, L. (2015), 'Referendums and Deliberative Democracy', *Electoral Studies*, 38, 139-48.
- Leiceaga, X. F., Peñas, S. L. and Vaquero, A. (2016), *Spanish Fiscal Federalism at the Crossroad: A Survey*, (Vigo: Universidade de Vigo).
- Lijphart, A., ed (1992), *Parliamentary versus Presidential Government* (Oxford: Oxford University Press).
- Lord Chancellor's Department (2001), *The House of Lords - Completing the Reform*, (London: The Stationery Office).
- Lord Speaker's Committee on the Size of the House (2017), *Report of the Lord Speaker's Committee on the Size of the House* (London: House of Lords).
- MacNab, S. (2017), 'Choose Between Constituency and List, MSPs Told', (The Scotsman), [<http://www.scotsman.com/news/politics/choose-between-constituency-and-list-msps-told-1-4517417>], accessed 23 August 2017].
- MacQueen, H. L. (2015), 'A Second Chamber for the Scottish Parliament? II', *University of Edinburgh School of Law Research Paper Series*, (2015/12).
- Maddox, D. (2016), "'We Need an English Parliament": Nuttall Demands Scot MPs Be Booted Out of House of Commons', *Daily Express*, 25 November 2016.
- Maer, L. and Kelly, R. (2017), *Limitations of the Number of Ministers (03378)*, (London: House of Commons Library).
- Majeed, A. (2005), 'Republic of India' in J. T. Kincaid, G. Alan, ed, *Constitutional Origins, Structure, and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).
- Marshall, G. (1997), 'The Referendum: What, When and How?', *Parliamentary Affairs*, 50(2), 307-13.
- Matland, R. E. and Studlar, D. T. (1996), 'The Contagion of Women Candidates in Single-Member District and Proportional Representation Electoral Systems: Canada and Norway', *The Journal of Politics*, 58(3), 707-33.
- McAllister, L. and Stirbu, D. (2007), 'Developing Devolution's Scrutiny Potential: A Comparative Evaluation of the National Assembly for Wales's Subject Committees', *Policy & Politics*, 35(2), 289-309.
- McCrone, D. (2005), 'Devolving Scotland' in A. Balfour, ed, *Creating a Scottish Parliament* (Edinburgh: Finlay Brown).
- McEwen, N. (2016), 'Negotiating Brexit in a Devolved State: The Dynamics of Intergovernmental Relations', (Constitution Unit blog), [<https://constitution-unit.com/2016/12/01/negotiating-brexit-in-a-devolved-state-the-dynamics-of-intergovernmental-relations/>], accessed 22 September 2017].
- McHarg, A. (2016), 'A Powerhouse Parliament? An Enduring Settlement? The Scotland Act 2016', *Edinburgh Law Review*, 20(3), 360-61.
- McLean, I. (2016), 'The No-men of England: The Geordie Revolt That Defeated the Scotland and Wales Bill in 1977', *Political Quarterly*, 87(4), 601-08.
- McLean, I., Lodge, G. and Schmuecker, K. (2008), *Fair Shares? Barnett and the Politics of Public Expenditure*, (London and Newcastle-upon-Tyne: IPPR/IPPR North).
- Melding, D. (2009), *Will Britain Survive Beyond 2020?* (Cardiff: Institute of Welsh Affairs).

- Mellows-Facer, A. (2005), *General Election 2005 (Research Paper 05/33)*, (London: House of Commons Library).
- Mendick, R. (2014), 'The Farce of the EU Travelling Circus', *Daily Telegraph*, 11 January 2014.
- Mensch, L. (2015), 'Why Won't Celebs Admit They Need Help to Look Good?', *The Sun*, 8 November 2015.
- Ministry of Justice (2008), *An Elected Second Chamber: Further Reform of the House of Lords*, (London: The Stationery Office).
- Mitchell, J. (2000), 'New Parliament, New Politics in Scotland', *Parliamentary Affairs*, 53(3), 605-21.
- Mitchell, J. (2009), *Devolution in the UK* (Manchester: Manchester University Press).
- Mitchell, J. (2010), 'The Narcissism of Small Differences: Scotland and Westminster', *Parliamentary Affairs*, 63(1), 98-116.
- Mitchell, P. (2005), 'The United Kingdom: Plurality Rule under Siege' in M. Gallagher & P. Mitchell, eds, *The Politics of Electoral Systems* (Oxford: Oxford University Press).
- Monbiot, G. (2009), 'Someone Else's England', [<http://www.monbiot.com/2009/02/17/someone-elses-england/>], accessed 6 April 2017].
- Morgan, B. (2001a), *General Election Results, 1 May 1997 (Research Paper 01/38)*, (London: House of Commons Library).
- Morgan, B. (2001b), *General Election Results, 7 June 2001 (Research Paper 01/54)*, (London: House of Commons Library).
- Mulholland, H. (2006), 'Falconer Rejects Call for English Parliament', *The Guardian*, 10 March 2006.
- Mulholland, H. (2007), 'Blair Rejects Call for English Parliament', *The Guardian*, 16 January 2007.
- National Assembly for Wales (2017a), 'Expert panel to support work on electoral reform unveiled by Llywydd', [<http://www.assembly.wales/en/newhome/pages/newsitem.aspx?itemid=1680>], accessed 8 August 2017].
- National Assembly for Wales (2017b), *Standing Orders of the National Assembly for Wales* (Cardiff: National Assembly for Wales).
- National Assembly for Wales Research Service (2016), *Key Issues for the Fifth Assembly*, (Cardiff: National Assembly for Wales Research Service).
- Newell, J. L. (2010), *The Politics of Italy: Governance in a Normal Country* (Cambridge: Cambridge University Press).
- Norris, P. (2004), *Electoral Engineering: Voting Rules and Political Behaviour* (Cambridge: Cambridge University Press).
- Northern Ireland Assembly (2016), *Standing Orders* (Belfast: Northern Ireland Assembly).
- Northern Ireland Office (2014), *Stormont House Agreement*, (Northern Ireland: Northern Ireland Office).
- Norton, P. (1980), *Dissension in the House of Commons, 1974-1979* (Oxford: Clarendon).
- Nuttall, P. (2011), *A Union for the Future* (Newton Abbott: UKIP).
- O'Callaghan, R. (2014), 'Conservatives Should Embrace Regional Assemblies', (Conservative Home), [<https://www.conservativehome.com/localgovernment/2014/09/richard-ocallaghan-conservatives-should-embrace-regional-assemblies.html>], accessed 6 November 2017].
- O'Toole, F. (2010), *Enough is Enough: How to Build a New Republic* (London: Faber and Faber).
- Office of the Lord President of the Council (1976), *Devolution: The English Dimension. A Consultative Document*. (London: The Stationery Office).
- Ormond, J. (1999), *An English Parliament: Proposals for Transparency and Fairness in a New Constitutional Settlement for England* (London: Bow Publications).

- Osmond, J. (2000), 'A Constitutional Convention by Other Means: The First Year of the National Assembly for Wales' in R. Hazell, ed, *The State and the Nations: The First Year of Devolution in the United Kingdom* (Thorverton: Imprint Academic).
- Ostry, H., Morwinsky, O. and Schramm, L. (2017), *The Belgian Federalism – A Model With a Future?*, (Brussels: Konrad-Adenauer-Stiftung e.V.).
- Palermo, F. and Kössler, K. (2017), *Comparative Federalism: Constitutional Arrangements and Case Law* (Oxford: Hart).
- Palermo, F. and Wilson, A. (2014), 'The Multi-Level Dynamics of State Decentralization in Italy', *Comparative European Politics*, 12(4-5), 510-30.
- Peeters, P. and Haljan, D. (2016), 'Belgium's Sixth State Reform: The State of the Nation(s)', *European Public Law*, 22(3), 411-38.
- Pegrum, R. (1983), *The Bush Capital: How Australia Chose Canberra as its Federal City* (Sydney: Hale & Iremonger).
- Peterson, J. (1994), 'Subsidiarity: A Definition to Suit Any Vision?', *Parliamentary Affairs*, 47(1), 116-32.
- Pike, A., Kempton, L., Marlow, D., O'Brien, P. and Tomaney, J. (2016), *Decentralisation: Issues, Principles and Practice* (Newcastle: Centre for Urban and Regional Development Studies).
- Pirie, M. (2016), *Rebooting Britain: Making the Most of Brexit*, (London: Adam Smith Institute).
- Political and Constitutional Reform Committee (2014), *A New Magna Carta? (Second Report of Session 2014-15)*, HC 463 2014-15 (London: House of Commons).
- Poole, E. G., Ifan, G. and Phillips, D. (2016), *Barnett Squeezed? Options for a Funding Floor After Tax Devolution (Second Report on the 2016-17 Fiscal Framework Negotiations for Wales)*, (Cardiff and London: Wales Governance Centre and Institute for Fiscal Studies).
- Popelier, P. and Lemmens, K. (2015), *The Constitution of Belgium: A Contextual Analysis* (Oxford: Hart).
- PricewaterhouseCoopers (2013), *Fiscal Powers: A Review of the Fiscal Powers of the Northern Ireland Assembly*, (London: PricewaterhouseCoopers).
- Procedure Committee (2013), *Private Members' Bills (Second Report of Session 2013-14)*, HC 188-I 2013-14 (London: House of Commons).
- Rasch, B. E., Martin, S. and Cheibub, J. A., eds, (2015), *Parliaments and Government Formation: Unpacking Investiture Rules* (Oxford: Oxford University Press).
- Rawlings, R. (2017), *Brexit and the Territorial Constitution: Devolution, Reregulation and Inter-governmental Relations*, (London: The Constitution Society).
- Redwood, J. (2006), 'Devolution and the West Lothian Question', (John Redwood's Diary), [<http://johnredwoodsdiary.com/2006/12/18/devolution-and-the-west-lothian-question/>, accessed 7 April 2017].
- Redwood, J. (2014a), 'If it's Good Enough for Scotland ... Let England Have its Own Parliament', *The Guardian*, 19 September 2014.
- Redwood, J. (2014b), 'My Speak for England Campaign is Gathering Huge Support', [<http://www.getreading.co.uk/news/local-news/john-redwood-mp-speak-england-7790631>, accessed 27 September 2017].
- Redwood, J. (2014c), 'One Cheer for the Barnett Formula – And Three Cheers for Honouring Pledges', (John Redwood's Diary), [<http://johnredwoodsdiary.com/2014/09/22/one-cheer-for-the-barnett-formula-and-three-cheers-for-honouring-pledges/>, accessed 20 September 2017].
- Redwood, J. (2014d), 'We Need an English Parliament – A Bit More Power for Some Cities is Not Enough', (John Redwood's Diary), [<http://johnredwoodsdiary.com/2014/09/13/an-english-parliament-can-devolve-to-cities/>, accessed 12 December 2016].
- Redwood, J. (2015), 'England Wants to Get Even. Now Hague Must Ensure That it Does', (Conservative Home), [<http://www.conservativehome.com/platform/2015/02/john->

- redwood-mp-england-wants-to-get-even-now-hague-must-ensure-that-it-does.html, accessed 28 January 2016].
- Reform of the House of Commons Select Committee (2009), *Rebuilding the House (First Report of Session 2008-09)*, HC 1117 (London: House of Commons).
- Reilly, B. (2002), 'Electoral Systems for Divided Societies', *Journal of Democracy*, 13(2), 156-70.
- Rembold, E. (2000), "'Home Rule All Round": Experiments in Regionalising Great Britain, 1886-1914' in P. Catterall, W. Kaiser & U. Walton-Jordan, eds, *Reforming the Constitution: Debates in Twentieth-Century Britain* (London: Frank Cass).
- Remuneration Board of the National Assembly for Wales (2017), *Determination on Members' Pay and Allowances on 2017-2018*, (Cardiff: National Assembly for Wales).
- Renwick, A. (2011), *A Citizen's Guide to Electoral Reform* (London: Biteback).
- Renwick, A. and Hazell, R. (2017), *Blueprint for a UK Constitutional Convention*, (London: Constitution Unit).
- Reulier, E. and Rocaboy, Y. (2009), 'Regional Tax Competition: Evidence from French Regions', *Regional Studies*, 43(7), 915-22.
- Rose, R. (1986), *Politics in England* (Boston: Little, Brown and Company).
- Royal Commission on the Constitution (1973), *The Report of the Royal Commission on the Constitution* (London: The Stationery Office).
- Royal Commission on the Reform of the House of Lords (2000), *A House for the Future*, (London: The Stationery Office).
- Russell, M. (2001), 'The Territorial Role of Second Chambers', *Journal of Legislative Studies*, 7(1), 105-18.
- Russell, M. (2011), "'Never Allow a Crisis to go to Waste": The Wright Committee Reforms to Strengthen the House of Commons', *Parliamentary Affairs*, 64(4), 612-33.
- Russell, M. (2013), *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford: Oxford University Press).
- Russell, M. and Bradbury, J. (2007), 'The Constituency Work of Scottish and Welsh MPs: Adjusting to Devolution', *Regional & Federal Studies*, 17(1), 97-116.
- Russell, M. and Hazell, R. (2000), 'Devolution and Westminster: Tentative Steps Towards a More Federal Parliament' in R. Hazell, ed, *The State and the Nations: The First Year of Devolution in the United Kingdom* (Thorverton: Imprint Academic).
- Russell, M. and Lodge, G. (2006), 'The Government of England by Westminster' in R. Hazell, ed, *The English Question* (Manchester: Manchester University Press).
- Russell, M., Mackay, F. and McAllister, L. (2002), 'Women's Representation in the Scottish Parliament and National Assembly for Wales: Party Dynamics for Achieving Critical Mass', *Journal of Legislative Studies*, 8(2), 49-76.
- Russell, M., Morris, R. M. and Larkin, P. (2013), *Fitting the Bill: Bringing Commons Legislation Committees into Line with Best Practice* (London: Constitution Unit).
- Russell, M. and Paun, A. (2007), *The House Rules?: International Lessons for Enhancing the Autonomy of the House of Commons*, (London: Constitution Unit).
- Russell, M. and Sandford, M. (2002), 'Why Are Second Chambers So Difficult to Reform?', *Journal of Legislative Studies*, 8(3), 79-89.
- Russell, M. and Semlyen, T. (2015), *Enough is Enough: Regulating Prime Ministerial Appointments to the Lords* (London: Constitution Unit).
- Salisbury, R. (2015), 'Four Federal Parliaments, One Ancient Force for Good', *Sunday Times*, 1 March 2015.
- Sandford, M. (2015), *Scotland Bill 2015-16 (Briefing Paper 07205)*, (London: House of Commons Library).
- Sandford, M. (2016), *Devolution to Local Government in England (Briefing Paper 07029)*, (London: House of Commons Library).

- Saunders, C. (2005), 'Commonwealth of Australia' in J. Kincaid & G. A. Tarr, eds, *Constitutional Origins, Structure, and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).
- Scargill, D. I. (1998), 'The French Region? A Flawed Institution', *Regional Studies*, 32(9), 879-97.
- Schleiter, P., Belu, V. and Hazell, R. (2016), *Forming a Government in the Event of a Hung Parliament: The UK's Recognition Rules in Comparative Context* (London: Constitution Unit).
- Scottish Constitutional Convention (1995), 'Scotland's Parliament. Scotland's Right.', [https://paulcainey.files.wordpress.com/2015/09/scc-1995.pdf, accessed 13 July 2017].
- Scottish Parliament (2017a), 'Allowances Rate Reference Card: Expenses Provision 2017/2018', [http://www.parliament.scot/msps/42646.aspx, accessed 13 September 2017].
- Scottish Parliament (2017b), *Standing Orders (5th edition, 5th revision)* (Edinburgh: The Scottish Parliament).
- Scully, R. (2014), 'Dual Candidacy Again (and Again?)', (Elections in Wales blog), [http://blogs.cardiff.ac.uk/electionsinwales/2014/05/06/dual-candidacy-again/, accessed 23 August 2017].
- Seely, A. (2017), *Corporation Tax in Northern Ireland (Briefing Paper 7078)*, (London: House of Commons Library).
- Seely, A. and Keep, M. (2016), *Devolution of Financial Powers to the Scottish Parliament: Recent Developments (Briefing Paper 07077)*, (London: House of Commons Library).
- Select Committee on the Barnett Formula (2009), *The Barnett Formula (1st Report of Session 2008-09)*, HL Paper 139 (London: House of Lords).
- Senato della Repubblica (2017), *Constitution of the Italian Republic* (Rome: Senato della Repubblica).
- Sheldon, J. and Russell, M. (2017), 'Options for an English Parliament: Lessons From Existing Decentralised States', (Constitution Unit blog), [https://constitution-unit.com/2017/02/27/options-for-an-english-parliament-lessons-from-existing-decentralised-states/, accessed 5 October 2017].
- Silverstovs, B. and Thiessen, U. (2015), 'Incentive Effects of Fiscal Federalism: Evidence for France', *Cogent Economics & Finance*, 3(1017949).
- Simpson, M. (2015), 'Developing Constitutional Principles Through Firefighting: Social Security Parity in Northern Ireland', *Journal of Social Security Law*, 22(1), 31-49.
- Slack, E. and Chattopadhyay, R. (2009), 'Introduction' in E. Slack & R. Chattopadhyay, eds, *Finance and Governance of Capital Cities in Federal Systems* (Montreal and Kingston: McGill-Queen's University Press).
- Sparrow, A. (2016), 'Labour Rules Out English Parliament', *The Guardian*, 5 February 2016.
- Squire, P. and Hamm, K. E. (2005), *101 Chambers: Congress, State Legislatures, and the Future of Legislative Studies* (Columbus, OH: The Ohio State University Press).
- Stepan, A. (1991), 'Federalism and Democracy: Beyond the U.S. Model', *Journal of Democracy*, 10(4), 19-34.
- Stepan, A. and Skach, C. (1993), 'Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism', *World Politics*, 46(1), 1-22.
- Stone, B. (2002), 'Australian Bicameralism: Potential and Performance in Upper Houses'. Paper presented at Department of the Senate Occasional Lecture Series, Parliament House, 8 November 2002.
- Strøm, K., Müller, W. C. and Bergman, T. (2003), 'Parliamentary Democracy: Promise and Problems' in K. Strøm, W. C. Müller & T. Bergman, eds, *Delegation and Accountability in Parliamentary Democracies* (Oxford: Oxford University Press).
- Sturgeon, N. (2017), 'First Minister Writes to Prime Minister Ahead of Brexit Negotiations', (Scottish Government), [https://news.gov.scot/news/first-minister-writes-to-prime-minister-ahead-of-brex-it-negotiations, accessed 22 September 2017].
- Sturgeon, N. and Jones, C. (2017), 'Joint Statement From First Ministers of Wales and Scotland in Reaction to the EU (Withdrawal) Bill', (Scottish Government and Welsh Government),

- [<http://gov.wales/newsroom/firstminister/2017/170713-joint-statement-from-first-ministers-of-wales-and-scotland/?lang=en>, accessed 18 September 2017].
- Swenden, W. and McEwen, N. (2014), 'Uk Devolution in the Shadow of Hierarchy? Intergovernmental Relations and Party Politics', *Comparative European Politics*, 12(4/5), 488-509.
- Taagepera, R. (1972), 'The Size of National Assemblies', *Social Science Research*, 1(4), 385-401.
- Taagepera, R. and Shugart, M. S. (1989), *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven: Yale University Press).
- Tarr, G. A. (2005), 'United States of America' in J. Kincaid & G. A. Tarr, eds, *Constitutional Origins, Structure, and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press).
- Torrance, D. (2014), *Britain Rebooted: Scotland in a Federal Union* (Edinburgh: Luath Press).
- Trench, A. (2005), 'Conclusion: The Future of Devolution' in A. Trench, ed, *The Dynamics of Devolution: The State of the Nations 2005* (Exeter: Imprint Academic).
- Trench, A. (2007), *Old Wine in New Bottles? Relations Between London and Cardiff After the Governance of Wales Act 2006*, (London: Constitution Unit).
- Trench, A. (2013a), 'An Emerging Fiscal Debate in Northern Ireland', (Devolution Matters), [<https://devolutionmatters.wordpress.com/2013/11/11/an-emerging-fiscal-debate-in-northern-ireland/>, accessed 8 August 2017].
- Trench, A. (2013b), *Funding Devo More: Fiscal Options for Strengthening the Union*, (London: IPPR).
- Trench, A. (2015), 'A Legal Jurisdiction for Wales?', (Devolution Matters), [<https://devolutionmatters.wordpress.com/2015/10/05/a-legal-jurisdiction-for-wales/>, accessed 15 March 2017].
- Trench, A. (2016), 'Legislative Consent and the Sewel Convention', (Devolution Matters), [<https://devolutionmatters.wordpress.com/the-sewel-convention/>, accessed 26 June 2017].
- UKIP (2010), *UKIP Manifesto: Empowering the People* (Newton Abbot: UKIP).
- UKIP (2015), *UKIP Manifesto 2015: Believe in Britain* (Newton Abbot: UKIP).
- UKIP (2017), *UKIP 2017 Manifesto: Britain Together* (Newton Abbot: UKIP).
- Umunna, C. (2015a), 'Britain Needs Wholesale Federalisation – And Labour Must Lead the Way', *The Guardian*, 27 October 2015.
- Umunna, C. (2015b), 'These Are "Perilous Times" for the Left', *New Statesman*, 22 July 2015.
- Wales Governance Centre and the Constitution Unit (2015), *Delivering a Reserved Powers Model of Devolution for Wales*, (Cardiff: Wales Governance Centre).
- Walker, C. (2016), 'Reform is Needed to Restore Public and Parliamentary Confidence in the Private Members' Bill Process', (Constitution Unit blog), [<https://constitution-unit.com/2016/05/12/reform-is-needed-to-restore-public-and-parliamentary-confidence-in-the-private-members-bills-process/>, accessed 26 June 2017].
- Ward, A. J. (2000), 'Devolution: Labour's Strange Constitutional "Design"' in J. Jowell & D. Oliver, eds, *The Changing Constitution* (Oxford: Oxford University Press).
- Watts, R. L. (1999), *Comparing Federal Systems, Second Edition* (Montreal and Kingston: McGill-Queen's University Press).
- Weichlein, S. (2011), 'Nation State, Conflict Resolution, and Culture War, 1850-1878' in W. Smith, ed, *The Oxford Handbook of Modern German History* (Oxford: Oxford University Press).
- Welsh Government (2016), 'Counsel General Calls for Distinct Welsh Legal System', [<http://gov.wales/newsroom/improvingpublicservices/2016/58652062/?lang=en>, accessed 19 December 2017].
- Welsh Government (2017a), *Brexit and Devolution: Securing Wales' Future*, (Cardiff: Welsh Government).

- Welsh Government (2017b), 'First Minister establishes a Commission on Justice in Wales', [<http://gov.wales/newsroom/firstminister/2017/170918-first-minister-establishes-commission-on-justice-in-wales/?lang=en>, accessed 15 January 2018].
- Wheare, K. C. (1963), *Federal Government* (Oxford: Oxford University Press).
- White, I. and Sidhu, I. (2005), *Building the Scottish Parliament, The Holyrood Project (SN/PC/3377)*, SN/PC3357 (London: House of Commons Library).
- Williamson, C. (2016), 'Northern Ireland Executive Ministers Named', *Belfast Telegraph*, 25 May 2016.
- Wishart, P. (2017), 'Federalism', [<https://petewishart.wordpress.com/2017/08/28/federalism/>, accessed 18 September 2017].
- Wyn Jones, R. (2016), 'Let Wales Decide How to Vote Without Perversity', *The Times*, 1 May 2016.
- Wyn Jones, R., Lodge, G., Jeffery, C., Gottfried, G., Scully, R., Henderson, A. and Wincott, D. (2013), *England and its Two Unions: An Anatomy of a Nation and its Discontent*, (London: IPPR).
- Wyn Jones, R. and Scully, R. (2012), *Wales Says Yes: Devolution and the 2011 Welsh Referendum* (Cardiff: University of Wales Press).

Notes

¹ The Nuffield Foundation is an endowed charitable trust that aims to improve social wellbeing in the widest sense. It funds research and innovation in education and social policy and also works to build capacity in education, science and social science research. More information is available at www.nuffieldfoundation.org.

² Throughout the report we restrict the discussion to the prospect of an English Parliament within the context of a continuing UK; we do not explore the possibilities of an independent England, where considerations would be very different.

³ Among our respondents 23 identified themselves as members of the Campaign for an English Parliament (CEP) and nine as members of the English Democrats, including three who were members of both. Many other respondents were also in favour of an English Parliament. As no attempt was made to achieve a representative sample the results should not be seen as in any way reflective of public opinion. However, the number of responses from CEP and English Democrat members helped to get a sense of the views of English Parliament campaigners on the questions considered in the report.

⁴ The term ‘West Lothian question’ is named after the constituency of Dalyell, who asked whether if the government’s proposals were implemented he ‘would be able to vote on many matters in relation to West Bromwich but not West Lothian’ (House of Commons Hansard, 3 November 1977, column 31). The Scotland Act 1978 ultimately included provisions for a procedure under which if there were a majority in favour of a bill that did not concern Scotland at second reading in the Commons, but there would not have been if Scottish votes were excluded, the bill would not be deemed to have received second reading unless a further vote was held to confirm the decision within 14 days. This resulted from a Lords amendment that was agreed to in the Commons by one vote (Norton 1980).

⁵ There was a Parliament of Northern Ireland from 1921 until its suspension during the Troubles in 1972. Assemblies later existed from 1973–74 and 1982–86 before again being suspended (Mitchell 2009).

⁶ House of Commons Hansard, 16 January 1998, columns 589–661.

⁷ House of Commons Hansard, 16 January 1998, column 590.

⁸ The other sponsors of the bill were all Conservatives: David Amess, Christopher Gill, John Hayes, Peter Luff, Richard Shepherd, Ann Winterton and Nicholas Winterton.

⁹ The party’s main success was when its candidate Peter Davies was elected as Mayor of Doncaster in 2009. He later left the English Democrats, citing a migration of former British National Party members into the party (Kenny 2014).

¹⁰ Early day motion 670, 2006–07. Ten of the sponsors were Conservatives, seven Labour and three Liberal Democrats.

¹¹ House of Commons Hansard, 25 November 2014, columns 795–797. This was a 10-minute rule bill and so there was no opportunity for a full debate. The complete list of sponsors was: Andrew Rosindell (Con), Frank Field (Lab), Kate Hoey (Lab), Douglas Carswell (UKIP), Greg Mulholland (LD), Elfyn Llwyd (PC), Angus Brendan MacNeil (SNP), Sir William Cash (Con), John Redwood (Con), Jim Shannon (DUP), Martin Vickers (Con) and Graham Brady (Con).

¹² The latter of these capitalises ‘even’ not just for emphasis, but to draw a parallel with EVEL, in order to call for more – ‘English votes for English needs’.

¹³ House of Commons Hansard, 25 November 2014, columns 795–796.

¹⁴ This claim is in fact highly questionable – at the time Gorman was writing Labour held a clear majority of English constituencies in the UK parliament (see chapter 12).

¹⁵ For example it has never featured in Ipsos MORI’s regular ‘Issues Index’ survey which asks respondents to name the ‘most important issues facing Britain today’ unprompted: see <https://www.ipsos.com/ipsos-mori/en-uk/issues-index-archive>, accessed 5 December 2017.

¹⁶ House of Commons Hansard, 25 November 2014, columns 795–797.

¹⁷ Melding suggests two alternative models for a federal UK which he describes as a ‘full federation’ and a ‘partial federation’. In respect to English arrangements these strongly resemble the separately elected and dual mandate models for an English Parliament respectively.

¹⁸ <http://www.forumfed.org/countries/>, accessed 4 January 2018.

¹⁹ There is an extensive literature in which the definition of federalism is discussed. Examples include Dardanelli and Kincaid (2016), Elazar (1993), Hague and Harrop (2013), Law (2013), and Wheare (1963).

²⁰ Population data from latest available estimate on www.citypopulation.de, accessed 5 October 2017. Elsewhere we have extended this analysis to all existing federal countries (Sheldon and Russell 2017), again finding no example of a system where one sub-state unit is as dominant in terms of population size as England would be in this sample.

²¹ The Assembly has not, in practice, legislated in ‘reserved’ areas to any great extent (see Cabinet Office 2013).

-
- ²² Though Catalonia's statute of autonomy was suspended by the Spanish government in October 2017, after the Catalan legislature declared independence following an 'illegal' referendum vote in favour.
- ²³ Figure derived from Gover and Kenny (2016: Table 6 and Appendix A).
- ²⁴ This applies only to spending within Departmental Expenditure Limits (DEL). Separate grants for Annual Managed Expenditure (AME) are negotiated bilaterally between the UK and devolved governments (see Keep 2016).
- ²⁵ Among our comparators the only sub-state units that do not receive funding of some sort from the centre are the Spanish autonomous communities of the Basque Country and Navarre. These are responsible for raising almost all taxes themselves and pay an annual amount to the central government to cover the cost of central responsibilities rather than receiving grants themselves.
- ²⁶ The English Democrats did not publish a manifesto at the 2017 general election.
- ²⁷ House of Commons Hansard, 20 November 2014, column 495.
- ²⁸ Even though, as has already been noted, it is not strictly speaking the formula itself that results in disparities in per head funding levels between the different parts of the UK.
- ²⁹ These are referred to as governments in Scotland and Wales, and as the executive in Northern Ireland. The Scottish government was originally referred to as the Scottish Executive and the Welsh government as the Executive Committee of the National Assembly.
- ³⁰ In Wales the First Minister was originally titled First Secretary.
- ³¹ Scotland Act 1998, section 45(2); Government of Wales Act 2006, section 47(2)(b). This happened in Wales in February 2000, resulting in the minority Labour administration led by Alun Michael being replaced by a Labour-Liberal Democrat coalition led by Rhodri Morgan (Osmond 2000).
- ³² Northern Ireland Act 1998, section 16a.
- ³³ Scottish Government, 'Cabinet and ministers', <https://beta.gov.scot/about/who-runs-government/cabinet-and-ministers/>, accessed 7 January 2018.
- ³⁴ Welsh Government, 'Cabinet, Cabinet Secretaries and Ministers', <http://gov.wales/about/cabinet/?lang=en>, accessed 7 January 2018.
- ³⁵ Northern Ireland Act 1998, sections 17, 18, 19 and 21a.
- ³⁶ At the time of writing the Northern Ireland Executive was suspended.
- ³⁷ See Scottish Government, 'Government structure', <https://beta.gov.scot/about/how-government-is-run/>, accessed 31 August 2017, and Welsh Government, 'Our Structure', <http://gov.wales/about/civilservice/structure/?lang=en>, accessed 31 August 2017.
- ³⁸ In a typical semi-presidential system there is a Prime Minister who must retain legislative confidence but the President, having been directly elected, cannot be removed.
- ³⁹ The Brussels Capital Region had a separately elected legislature from 1989.
- ⁴⁰ Communication with an expert on Belgian federalism.
- ⁴¹ As noted in chapter 4 some disagree (e.g. Clougherty 2007, Heffer 2008), but these proposals are particularly underdeveloped so we do not focus on them here.
- ⁴² There are, of course, more MPs representing parties other than Labour and the Conservatives today, which may make such a situation less likely. However, they still form only a small minority of English MPs – in 2017 holding only nine seats (eight Liberal Democrat and one Green).
- ⁴³ Since November 2015 further powers have been devolved to Scotland under the Scotland Act 2016 and to Wales under the Wales Act 2017. In July 2016 the Departments for Business, Innovation and Skills (BIS) and Energy and Climate Change were merged into a new Department for Business, Energy and Industrial Strategy. There have also been other changes to the competences of some departments and three departments have been renamed.
- ⁴⁴ For data on civil service employment by UK government department see Freeguard et al. (2017).
- ⁴⁵ See The Scottish Parliament, 'Business Bulletin', <https://bb.parliament.scot/#20170907>, accessed 7 September 2017.
- ⁴⁶ See National Assembly for Wales, 'Assembly Timetable', http://www.assembly.wales/en/bus-home/Pages/assembly_timetable.aspx, accessed 7 September 2017; Northern Ireland Assembly, 'Business Diary', <http://aims.niassembly.gov.uk/assemblybusiness/businessdiary.aspx>, accessed 7 September 2017.
- ⁴⁷ The Scottish Parliament, 'Committees', <http://www.parliament.scot/parliamentarybusiness/committees.aspx>, accessed 8 September 2017; National Assembly for Wales, 'Committees', <http://www.assembly.wales/en/bus-home/committees/Pages/committees.aspx>, accessed 8 September 2017; Northern Ireland Assembly, 'Committees formed during the 2016-17 mandate', <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/>, accessed 8 September 2017.
- ⁴⁸ National Assembly for Wales, 'Committee for Scrutiny of the First Minister', <http://www.assembly.wales/en/bus-home/committees/Pages/Committee-Profile.aspx?cid=450>, accessed 8 September 2017; Scottish Parliament, 'Conveners Group', <http://www.parliament.scot/parliamentarybusiness/21516.aspx>, accessed 8 September 2017.

⁴⁹ In Scotland and Wales, FMQs is weekly, in Northern Ireland the First Minister and Deputy First Minister take questions in alternate weeks.

⁵⁰ National Assembly for Wales Record of Proceedings, 2 May 2017, <http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4284&language=en&assembly=5&c=Record%20of%20Proceedings#469043>; National Assembly for Wales Record of Proceedings, 9 May 2017, <http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4288&language=en&assembly=5&c=Record%20of%20Proceedings>.

⁵¹ The Scottish Parliamentary Bureau is chaired by the Presiding Officer and consists of representatives of each party group that has five or more MSPs. Members carry one vote for each member of the group they represent, with the Presiding Officer voting only to break a tie (Scottish Parliament 2017b). The Welsh Assembly Business Committee operates in a similar way, except that only three AMs are required to constitute a group (National Assembly for Wales 2017b). The Northern Ireland Assembly Business Committee has 13 members in total, including the Speaker as chair. Each party delegation is entitled to a number of votes equal to their number of AMs (Northern Ireland Assembly 2016)

⁵² It is not clear that these business committees have empowered the devolved legislatures in the way intended, given that their memberships are dominated by frontbenchers and that many decisions are in practice made through informal processes, with the committee meetings acting largely as a rubber stamp (Russell and Paun 2007). However, in Scotland the plenary has an opportunity to vote on the programme proposed by the Parliamentary Bureau, which does offer a real check and inspired another proposal made by the Wright committee which has not been put into effect.

⁵³ Sourced from the websites of the Australian state legislatures.

⁵⁴ Anomalies such as these would be likely to drive pressures towards greater division of responsibilities at governmental level, as discussed in chapter 10.

⁵⁵ Notably private members' bills are excluded from the EVEL standing orders (Gover and Kenny 2016: n. 20), but it seems unlikely that this arrangement would hold following creation of an ostensibly separate institution.

⁵⁶ In Scotland this is the Culture, Tourism, Europe and External Relations Committee (<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/european-committee.aspx>, accessed 26 June 2017). In Wales it is the External Affairs and Additional Legislation Committee (<http://www.assembly.wales/en/bus-home/committees/Pages/Committee-Profile.aspx?cid=449>, accessed 26 June 2017).

⁵⁷ MPs with constituencies in the 'London Area' (London and surrounding areas) have a staffing allowance of £161,550.

⁵⁸ A special JMC (European Negotiations), chaired by the Secretary of State for Exiting the European Union, was established in November 2016 to provide a forum for the devolved governments to engage with the negotiations (McEwen 2016).

⁵⁹ GOV.UK, 'Ministers', <https://www.gov.uk/government/ministers>, accessed 21 September 2017.

⁶⁰ Prime Minister of Australia, 'Cabinet', <https://www.pm.gov.au/your-government/cabinet>, accessed 21 September 2017.

⁶¹ Council of Australian Governments, <https://www.coag.gov.au/>, accessed 13 December 2017.

⁶² This discussion does not consider the Department for Exiting the EU, which is temporary. In the event that the Brexit process had not concluded when an English Parliament was established its functions would clearly be UK-wide.

⁶³ This figure assumes that there would be a select committee for each of the UK government departments set out in this chapter, plus other committees such as Procedure, Public Accounts and Women and Equalities.

⁶⁴ For discussion of House of Lords size see Russell and Semlyen (2015), Lord Speaker's Committee on the Size of the House (2017).

⁶⁵ These, on the other hand, are very much in line with international experience about the difficulties of bicameral reform (see Russell and Sandford 2002).

⁶⁶ House of Commons Hansard, 12 September 2013, columns 23P–24P.

⁶⁷ Australia's territories and the District of Columbia in the US also have unicameral representative institutions.

⁶⁸ The bicameral Indian states are Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Karnataka, Tamil Nadu, Telangana and Uttar Pradesh (Government of India 2015). Queensland ranks third in population of the six Australian states, and Nebraska ranks 37th in population of the 50 US states. The absence of second chambers in these states cannot, therefore, be explained by having a smaller population than other states.

⁶⁹ New Hampshire is a major outlier – it is the only US state which has a lower chamber with more than 203 members, despite being the 41st largest state in terms of population.

⁷⁰ In relation to the size of central legislatures there is an established academic literature focusing on the 'cube root law', which suggests a strong relationship between the sizes of first and single chambers of central legislatures and the cube root of the corresponding population (Taagepera 1972, Taagepera and Shugart 1989). Detailed research to ascertain whether the cube root law is applicable to sub-state legislatures has not been conducted, but examples

from the sub-state units with the largest populations among our 10 comparator countries suggest that these tend to be smaller relative to population than the ‘law’ would suggest. On average these 10 sub-state legislatures are only 59% of the size that they should be if the cube root law applied.

⁷¹ Private e-mail communication with the authors, 4 October 2017.

⁷² In government the party has thus far made no attempt to (re-)introduce it where it is not currently used, though its 2017 manifesto included a proposal to move to FPTP for mayoral and police and crime commissioner elections (Conservative Party 2017).

⁷³ Since 2016 the Welsh government, though not a coalition government, has included the sole Liberal Democrat AM as Education Secretary. In 2017 an independent AM was also appointed as a minister.

⁷⁴ This table includes Great Britain vote share figures rather than United Kingdom vote share figures. These offer a more meaningful comparison as the main UK parties have not usually stood candidates in Northern Ireland.

⁷⁵ Note that all results tables count the Speaker in the total of the party that they were a member of prior to becoming Speaker.

⁷⁶ Figures extrapolated from Apostolova et al. (2017) and Katwala (2017).

⁷⁷ Relevant to our modelling of vote distribution below is also the fact that ‘split-ticket’ voting is common in AMS systems, with voters casting their constituency vote for one party and their list vote for another (Johnston and Pattie 2002).

⁷⁸ The distribution of seats between the European Parliament regions was based on population estimates from 2016. This means that the distributions do not reflect populations at the time of each past election. Had past population data been used to determine the distribution of seats for each election this might have had some minor effects on the projections. However, it is unlikely that over the period we have included this would have made a substantial enough difference to justify drawing up different districts for each election.

⁷⁹ For each of the six elections constituency seats within each district were allocated in proportion to the number of seats won by each party within the relevant European Parliament region. Information on regional seat shares was gathered from House of Commons Library Briefing Papers (Apostolova et al. 2017, Cracknell, McGuinness and Rhodes 2011, Hawkins, Keen and Nakatudde 2015, Mellows-Facer 2005, Morgan 2001a, 2001b). In some cases the initial calculation of constituency results did not add up to the intended total due to rounding, in which case an additional seat was awarded to the party nearest to winning another, or subtracted from the party nearest to winning one fewer. Subsequently the number of constituency seats allocated to each party in each district, vote totals for each party in each European Parliament region and details of the number of ‘top-up’ seats to be allocated in each district were entered into Stephen Kellow’s D’Hondt calculator, available at <https://blog.stevenkellow.com/excel-dhondt-proportional-representation-calculator/>, accessed 27 October 2017. An alternative approach would have been to draw up district boundaries by grouping Westminster constituencies, and then to use past election results from these areas when generating the projections. It is likely that this would have only a limited effect on the outcomes as differences in voting patterns between sub-regions should largely cancel each other out. For a projection of the 2005 UK general election using this approach see Dunleavy and Margetts (2005).

⁸⁰ Our figures suggest that Labour would have been 10 seats short of a majority in 1997 and the Conservatives just two seats short of a majority in 2017, so the uncertainties of modelling mean that this isn’t assured. However, since AMS would probably result in more votes being cast for smaller parties the projections are more likely to overestimate than underestimate the number of seats the Conservatives and Labour would win.

⁸¹ Past UK general election results under list PR and STV have been modelled by the Electoral Reform Society (Baston 2005, 2010, Garland and Terry 2015, 2017). English projections for a parliament consisting of a number of members equal to the number of English constituencies at the relevant election can be deduced from the tables provided.

⁸² For a list of shortlisted sites for the Scottish Parliament see Scottish Parliament, ‘Choosing A Site’, <http://www.parliament.scot/visitandlearn/15986.aspx>, accessed 9 October 2017.

⁸³ For a list of shortlisted sites for the Welsh Assembly see Auditor General for Wales (2000: 11).

⁸⁴ House of Commons Hansard, 25 November 2014, column 796.

⁸⁵ One future possibility might be for a dual mandate English Parliament to sit in a chamber previously used as a temporary venue for the UK House of Commons during the proposed restoration and renewal of the Palace of Westminster, assuming that this goes ahead. This would clearly be large enough to hold over 500 members, and, if located in close proximity to the Palace as is currently proposed, would not require politicians and parliamentary staff to have multiple offices.

⁸⁶ Originally this was more true of Scotland and Northern Ireland than of Wales, but following subsequent changes to the Welsh settlement now clearly applies to all three areas.

⁸⁷ In chapter 13 we consider the possibility that a dual mandate English Parliament might be located separately from Westminster, but dismiss this as unlikely.

Calls for an English Parliament have a long history, and the idea has been actively lobbied for since devolved legislatures were established in Northern Ireland, Scotland and Wales in the 1990s. Originally seen as a fringe proposal, in recent years a number of senior politicians from across the party political spectrum have come out in favour. Yet little detailed work has been done on the design options for an English Parliament, and even the longest-standing proponents have never produced a full blueprint for such a body.

This is the first report to explore in detail the issues that would need to be considered if seeking to set up an English Parliament. In considering this question it draws on proponents' ideas and aspirations, on evidence from the UK's existing devolution arrangements, and on evidence from comparator states overseas. The areas examined include the possible policy powers, financial arrangements, executive structures, organisation of business, structure, size, electoral system and location of an English Parliament, and – crucially – the implications of setting up such a body for the UK government and parliament.

The report identifies two main models for an English Parliament: the separately elected and 'dual mandate' models. It concludes that establishing a new institution on either model would be a very major step. In particular, the nature of the existing devolution settlement means that an English Parliament created with similar powers would have substantial repercussions for the UK's central institutions. Recognising the legitimate grievances raised by English Parliament supporters, the report suggests that there is a need to review the overall territorial future of the post-Brexit UK. This might be achieved through some form of citizen-led constitutional convention.

About the Authors

Meg Russell is Professor of British and Comparative Politics in the School of Public Policy at UCL, and Director of the Constitution Unit. She has written widely on the UK parliament, and parliaments comparatively.

Jack Sheldon was a Research Assistant at the Constitution Unit, where he worked on the Options for an English Parliament project. He is now a Research Assistant at the University of Cambridge and an Associated Fellow of the Centre on Constitutional Change.

Web: www.ucl.ac.uk/constitution-unit

Blog: www.constitution-unit.com

Twitter: @ConUnit_UCL