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**Unfinished Business  
Implementing Labour's constitutional  
reform agenda for the second term**

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# Unfinished Business

## Implementing Labour’s constitutional reform agenda for the second term

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## Summary of key points

- Labour's constitutional reform programme is not complete. Labour's election manifesto will contain commitments on the second stage of Lords reform; regional government in England; electoral reform for the House of Commons; and the referendum on the Euro.
- The referendum on the Euro is the biggest change, and the one to which the government will give priority. If the referendum is held in summer or autumn 2002, and is carried, Euro notes and coins could be introduced in 2004/5, in advance of the next election.
- Giving priority to the referendum on the Euro rules out any early referendum on the voting system. This would have to be held in the first year of the new parliament in order to introduce a more proportional voting system in time for the 2005/6 election. The government will not want to risk the diversion of a divisive referendum in advance of the referendum on the Euro.
- On Lords reform, the government will need to introduce legislation in the first or second session of the new Parliament if the first elections to the second chamber are to be synchronised with the next European Parliament elections in 2004. The alternative would be to legislate in the third session, hold the first elections in May 2005, and synchronise second chamber elections with the European Parliament elections from 2009.
- The timetable for regional government in England depends on political will. With strong commitment, the new government could establish regional assemblies by 2004, if it followed the 3-year timescale used to establish the Greater London Authority. A more tentative approach could see legislation first to give statutory powers to indirectly elected Regional Chambers, followed by legislation in the next Parliament (2005-2010) for directly elected Regional Assemblies.
- To boost voter turnout the elections for Regional Assemblies could be synchronised with local government, European Parliament, or Scottish Parliament/Welsh Assembly elections. Combining elections at regional level (including second chamber elections) could start to create a regional demos.
- The links between the individual reforms are substantive as well as logistical. If elected members in the reformed second chamber are to represent the nations and regions, that links with the policy on devolution and regional government. Future devolution issues (reviewing the legislative framework for Wales; reducing the size of the Scottish Parliament; the funding formula for devolution and regional government) call for a joined up approach.
- The government is ill equipped to make these connections. A Cabinet Office Minister should be given overall responsibility for planning the constitutional reform programme, while leaving the policy lead with individual departments.

## Introduction

Labour's constitutional reform programme was the major achievement of their first term. Many Labour supporters think that constitutional reform is now behind them, and that it is time to move on to the 'bread and butter' issues of jobs, the health service, education. But the constitutional reform programme is not yet complete. Although not on the same scale as in the first term, Labour still has commitments to constitutional reforms in the second term; and the reform process already set in train will create demands for further reforms.

The purpose of this briefing is not to advocate further reforms. It is intended simply as a forecasting exercise, and a planning tool. It takes as its starting point Labour's known commitments, finalised at the National Policy Forum in Exeter in July 2000 and the party conference at Brighton in September 2000. These will form the basis for Labour's manifesto at the next election. These commitments include:

- Lords reform stage two
- regional assemblies in England
- referendum on the voting system for the House of Commons
- referendum on the Euro.

The briefing begins by summarising each commitment in **Part 1**, and then exploring the logistical and political factors which will determine the timetable for implementing that commitment. It sets out a possible timetable for each commitment. **Part 2** adds other commitments (eg legislation to implement the Treaty of Nice), and consequential changes from the reforms introduced in the first term. At the end of the briefing in **Part 3** we draw together the timelines for the individual reforms into a composite timetable, to explore the interactions and potential conflicts, before setting out the main options for implementing Labour's constitutional reform commitments in their second term.

The briefing assumes throughout that the next election will be held in June 2001.

## Part 1: Labour's known commitments for the second term

### 1.1 The referendum on the Euro

This is not always thought of as a constitutional reform. But it will have very big constitutional implications: bigger than most of the other changes considered in this briefing. It would involve a further transfer of sovereignty to the European institutions (in particular the European central bank); and loss of one of the central levers of macro-economic policy, control of the exchange rate. The legislation to authorise the referendum on the Euro will count as a 'first class constitutional measure' and be taken on the floor of the House of Commons. It is considered first in this briefing because of its constitutional importance; and because the Government has placed it first, by stating that the decision will be made 'early in the next Parliament'. By being placed first it is likely to displace other reforms which might also require an early start. In that respect it is analogous to the devolution legislation for Scotland and Wales in 1997, which was the only constitutional reform item which had a timing commitment attached.

Labour's policy was approved by party conference in September 2000 in the following terms:

The Maastricht Treaty allows the UK to choose if and when it wants to join the single currency... However, the Government supports the principle of joining the single currency, if that is in the national economic interest ... [T]he Government is making the necessary preparations so that we have the option of joining the single currency early in the next Parliament (which will start no later than Spring 2002). If the Government decided that the UK should join, the British people would have the final say in a referendum.

The Government has coordinated two Outline National Changeover Plans, the second of which was published in March 2000. The plans say the following about the timetable for entry:<sup>1</sup>

The Government believes that a changeover, from a Government decision to join to a withdrawal from sterling, could be completed in 40 months or less.

Chapter 4 of the second Outline National Changeover Plan recognises that legislation would need to be put in place for the referendum to be held, and also to set the question and the date of the poll. The referendum would be held in accordance with Part VII of the Political Parties, Elections and Referendums Act 2000.

The five economic tests laid down by the Chancellor in October 1997 are as follows:

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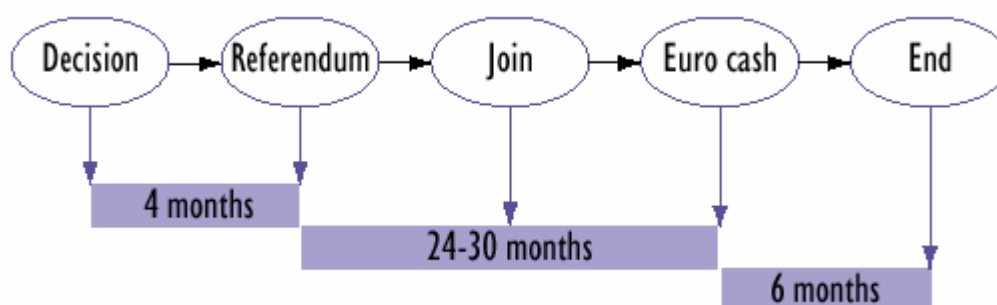
<sup>1</sup> <http://www.euro.gov.uk/oncop2.pdf>

- Would joining EMU create better conditions for firms making long-term decisions to invest in the United Kingdom?
- How would adopting the single currency affect our financial services?
- Are business cycles and economic structures compatible so that we and others in Europe could live comfortably with Euro interest rates on a permanent basis?
- If problems do emerge, is there sufficient flexibility to deal with them?
- Will joining EMU help to promote higher growth, stability and a lasting increase in jobs?

**Timing: ‘early in the next Parliament’**

The government has long said that assessment of the five tests would take place ‘early in the next Parliament’. In February 2001 Tony Blair specified that “early in the next Parliament would, of course, be within two years”. Downing Street spokesmen said the Prime Minister was not predicting a referendum within two years, only the completion of the economic assessment.<sup>2</sup>

The overall timetable outlined in the National Changeover Plan is as follows:



On the assumption that the UK was to join, the entry pattern for the UK would follow broadly the entry pattern for the first wave. There would be a transition period between the date of entry and the introduction of euro notes and coins. The Government’s Outline National Changeover Plan forecasts an interval of 24 to 30 months between a positive referendum result and the introduction of UK Euro notes and coins.

The official date for becoming a member of the Eurozone would be decided by the UK Government together with the EU Council of Ministers. Currency stability is one of the five Maastricht criteria for entry into the Euro. Strictly the UK should follow the same path as the first wave Euro countries: this would mean entering ERM2, locking itself into the exchange rate mechanism and beginning the two-year shadowing of the Euro that is

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<sup>2</sup> *The Independent*, 8 February 2001. Blair’s statement was at Prime Minister’s Questions on 7 February.

required before full entry into EMU can be achieved. The Treasury disagree with this strict interpretation, saying this particular Maastricht criterion is redundant, since the ERM it was linked to has disappeared. They believe that as long as the pound is stable for 'a while' before entry, the UK will be allowed in. Senior figures in the French and German governments agree, and say that the decision to admit the UK will ultimately be political. No one will worry if one of the five Maastricht criteria is not strictly fulfilled: it is the heads of government, meeting in a summit, who will decide on UK entry.

Once the UK is admitted as a member, the pound sterling exchange rate would be fixed to the Euro, and the pound would become a denomination of the Euro. The next step would be the launch of Euro notes and coins in the UK by the Bank of England, and Euro cash would become legal tender in the UK along with the pound sterling for up to six months. However, in most Eurozone countries the changeover period from national cash to Euro cash has been set at two months (January-March 2002) in order to avoid confusion.

The decision whether the Chancellor's five economic tests have been met will be made by the Treasury and the Chancellor. The judgment will be influenced as much by the state of public opinion as by economic considerations: whether public opinion is moving in favour of the Euro, as well as whether the tests have been met. Once the government decides that the time is right, it will need to:

- introduce legislation to authorise the referendum
- allow time for the referendum campaign
- hold the referendum
- introduce legislation to authorise entry into EMU
- negotiate with Euro partners about the terms of EMU entry, including the entry rate for sterling against the Euro.

One awkward issue in the referendum is that the entry rate will not then be known: although there must be some indication of the bands within which ERM shadowing takes place. The entry rate is an important piece of missing information, because the high rate of exchange lay behind much of the UK's difficulties during our last membership of the ERM in the late 1980s and early 1990s.



## **Legislation**

In Chapter 7 of the first Outline National Changeover Plan, the Treasury pinpointed the following areas where legislation may be needed:

- Legislation associated with the notification to the Council of Ministers of the intention to join the single currency, and referendum legislation;
- Reforms to the Bank of England and also to government finances;
- Introduction of Euro notes and coins;
- Euro-isation – ensuring that references to amounts in sterling are converted satisfactorily. Changeover-related legislation from the DTI;
- International treaty obligations; legislation required in the territories and dependencies.

## **Timing considerations**

The earlier stages up to holding the referendum could be completed in 6 to 12 months. The enabling legislation could be passed in a couple of months: the Referendums (Scotland and Wales) Bill passed through Parliament in 10 weeks in summer 1997, the first Act of Parliament under the new government. But the Euro referendum bill would be more controversial; and the new Electoral Commission will need to be consulted about the wording of the question. The Commission has indicated that it will take a broad view of its new powers, and rule on the fairness as well as the intelligibility of the question.<sup>3</sup>

The Electoral Commission will also be involved in supervising the conduct of the referendum, in enforcing the new limits on campaign expenditure, and it can make grants to the two main campaigning organisations. It may need time to prepare itself for this new and high profile role. Other timing considerations are whether the Chancellor needs to demonstrate more than once that the five tests have been met (it has been suggested twice, with a six month interval); and the assurances Blair is said to have given to the editors of Eurosceptic newspapers that he will not bounce the electorate into a referendum within months of the election.<sup>4</sup> For this reason we have not included a really fast track option, with the referendum being held in autumn 2001 (which is technically feasible, and is what happened with the September 1997 referendums in Scotland and Wales). Finally, there is the introduction of Euro notes and coins. These will start to circulate in the Eurozone in January 2002. Seeing the Euro in circulation may help the pro-Euro campaign in the UK; especially after the British have visited Europe for their summer holidays in 2002.

A final consideration is whether the government will want to complete entry into EMU during the next Parliament: ie to aim to introduce Euro notes and coins into the UK before the next election in 2005-6. Once the UK is a member of the Eurozone there is no going

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<sup>3</sup> Interview with Sam Younger, the chairman, in *Daily Telegraph* 17 February 2001.

<sup>4</sup> Adam Boulton, *Sunday Business*, 4 February 2001.

back, so a change of government at the 2005-6 election would find it very difficult to reverse the process. But the Government might not want to go into the election with the pound still in circulation, but doomed shortly to disappear. In the last column in Table 1 below that is the scenario: Euro notes and coins are not introduced until after the first likely date for the 2005-6 election.

**Table 1: Three possible timetables for the Euro referendum**

	<b>Fast track: referendum in summer 2002</b>	<b>Medium: referendum in autumn 2002</b>	<b>Slow: referendum in summer 2003</b>
<b>2001</b>			
June	General election	General election	General election
July	Chancellor announces timetable; applies five tests		
August			
September	Electoral Commission consulted on question	Chancellor announces timetable	
October	Referendum Bill introduced	Chancellor applies five tests	
November			
December	Chancellor repeats five tests		Chancellor announces timetable; applies five tests
<b>2002</b>			
January	Euro notes start to circulate in Euro zone	Euro notes start to circulate in Euro zone	Euro notes start to circulate in Euro zone
February	Referendum Bill passed	Electoral Commission consulted on question	
March	Referendum campaign begins	Chancellor repeats five tests	
April		Referendum Bill introduced	
May			
June	Referendum held		Chancellor repeats five tests
July		Referendum Bill passed. Campaign begins	
August			
September			Electoral Commission consulted on question
October		Referendum held	
November	Introduce changeover legislation on Euro, Bank of England, legal tender etc	Introduce changeover legislation on Euro, Bank of England, legal tender etc	Chancellor repeats five tests for third time. Referendum Bill introduced
December			
<b>2003</b>			
January			
February			Referendum Bill passed
March			
April			Referendum campaign begins
May			

June			Referendum held
July	Changeover legislation gets Royal Assent		
August			
September			
October		Changeover legislation gets Royal Assent	
November			Introduce changeover legislation
<b>2004</b>			
January	Euro notes and coins introduced into UK		
June			
October			Changeover legislation passed
<b>2005</b>			
January		Euro notes and coins introduced into UK	
May	First likely date for next general election	First likely date for next general election	First likely date for next general election
<b>2006</b>			
January			Euro notes and coins introduced into UK
May	Last likely date for next general election	Last likely date for next general election	Last likely date for next general election

The Treasury's National Changeover Plan allows 24-30 months for the implementation phase, between the date of the referendum and the subsequent introduction of Euro notes and coins. The three timelines above allow 24, 27 and 30 months respectively for this phase (June 2002-June 2004 on the fast timetable; October 2002-January 2005 on the medium timetable; and June 2003-January 2006 on the slow one).

Of the three timelines the medium appears the most likely, with the referendum being held in autumn 2002. The fast track would look like a bit of a 'bounce', with the Chancellor announcing the timetable and applying the five tests within a month of the election. And on the slow track entry would not be completed within the life of the next Parliament. But the most important consideration by far will be the government's judgment of when it thinks it can win the referendum. This points to waiting until after summer 2002, when several million Britons will have seen Euro notes and coins circulating in Euroland during their summer holidays. And it will require a concerted and sustained campaign which stresses the political case for membership as much as the economic benefits. The evidence from Denmark suggests that a brief campaign which is limited to the economic case (which is all the Danish government did) could lead the government to lose. If the government decides to go for entry it must go all out: it cannot sit and wait for the opinion polls to come round.

## **1.2 Lords reform stage two**

### ***The story so far***

Labour's 1997 manifesto stated that:

The House of Lords must be reformed. As an initial, self-contained reform, not dependent on further reform in the future, the right of hereditary peers to sit and vote in the House of Lords will be ended by statute. This will be the first stage in a process of reform to make the House of Lords more democratic and representative. The legislative powers of the House of Lords will remain unaltered.

The system of appointment of life peers to the House of Lords will be reviewed. Our objective will be to ensure that over time party appointees as life peers more accurately reflect the proportion of votes cast at the previous general election. We are committed to maintaining an independent crossbench presence of life peers. No one political party should seek a majority in the House of Lords.

A committee of both Houses of Parliament will be appointed to undertake a wide-ranging review of possible further change and then to bring forward proposals for reform.

The hereditary peers were removed by the House of Lords Act 1999, except for 10 per cent elected by their peers: 92 hereditaries are still members of the transitional chamber, which now has around 700 members. The options for stage two were remitted to the Royal Commission on Reform of the House of Lords, chaired by Lord Wakeham, which reported

in January 2000. Wakeham recommended a largely nominated second chamber, but with a minority of elected members to represent the nations and regions. The Commission proposed three options for the elected element, of 65, 87 or 195 elected members, representing 12, 16 or 35 per cent of a reformed second chamber of around 550 members. The two of these three options with the larger elected elements would see elections held every five years, alongside elections to the European Parliament.

The parliamentary joint committee promised in the manifesto has not materialised. In practice the Royal Commission has done much of its work. However the Government remains committed to the establishment of a joint committee to consider the 'parliamentary aspects' of the Commission's report.<sup>5</sup> The Government has stated its intention to proceed by consensus with the other parties on stage two reform, but this has not proved possible. The Conservatives support a larger elected element than that proposed by the Wakeham Commission, whilst the Liberal Democrats favour a wholly elected house. Both parties have thus pressed for the joint committee to be able to consider the composition of a reformed chamber - something the Government has resisted. Private talks with both parties thus seem to have made little progress. The talks with the Lib Dems were channelled into a sub-committee of the Joint Cabinet Consultative Committee, chaired by Robin Cook. However, press reports in February suggested that these talks had broken down over the proportion of the chamber which should be elected and the terms of reference of the joint committee.<sup>6</sup>

The commitment to reform the appointment of life peers has been partially met through the establishment of an Appointments Commission. This will have responsibility for appointing crossbench peers only. The Prime Minister retains control over the number of peers created, and the balance between the parties, although Tony Blair has waived his right to vet the names proposed by other parties.

### ***The policy commitment***

The government has accepted the principles set down by the Royal Commission. When the House of Commons debated the Commission's report on 19 June 2000, Leader of the House Margaret Beckett said:

The government are minded to accept the broad outlines of the Royal Commission report; that is, we agree that the second chamber should be largely nominated, with a minority elected element with a particular remit to represent the regions, and that there should be a statutory Appointments Commission.<sup>7</sup>

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<sup>5</sup> House of Commons Hansard, 19 June 2000, col. 55.

<sup>6</sup> *The Guardian*, 13 February 2001.

<sup>7</sup> House of Commons Hansard, 19 June 2000, col. 49.

Labour Party conference in September 2000 approved the following, as part of the policy statement on Democracy and Citizenship:

Labour is committed to progress on long term reform of the House on the basis of consensus and consultation with relevant interested parties. The timing and nature of further progress will depend on the outcome of this consultation.

Labour accepts the principles underlying the main elements of the Royal Commission's proposals on the future role and structure of the House and will act upon them. This includes support for an elected element not less than that contained in the options outlined in the Royal Commission's report. The reformed House should reflect the diversity of Britain, with a membership which is not only politically balanced, but also balanced in terms of gender, ethnicity and geographical representation. The Appointments Commission should have its powers and functions set in statute.

Press reports in February 2001 suggested that the government was proposing around 80 members of the new second chamber should be elected, consistent with 'option B' of the Royal Commission's report.<sup>8</sup> Such a solution has been rejected by both the other main parties.

The government has not spelt out the process which would be followed to reach stage two, although it has consistently said that a parliamentary joint committee will be established. Recently, however, Cabinet Office minister Lord Falconer suggested that there would be time for reflection and for 'a national debate' after the committee reported and before a Bill was introduced:

... the process has so far involved stage one reform – which was accompanied by a large number of debates in both Houses about stage two reform; then there was a Royal Commission; a Joint Committee will follow; then there will be a national debate, and then legislation.<sup>9</sup>

### ***Timing considerations for stage two***

The timing for stage two therefore needs to take into account all these elements. A major issue will be the extent to which the government seeks to consult and reach agreement with other parties and interested groups before proceeding. It has made little progress so far in this respect. However, if it pushes ahead with legislation without having broad support, it may find this difficult to implement.

If consultation does take place, there are a number of bodies whose views may be sought. The government may wish to continue consulting with the other political parties before the

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<sup>8</sup> *The Times*, 6 February 2001.

<sup>9</sup> House of Lords Hansard, 7 February 2001, col. 1148.

joint committee is set up; or it may choose to establish the committee after the election and allow it to run the consultation. But the minor parties are unlikely to be represented on the parliamentary committee. Other bodies with whom the government might need to consult are:

- the Appointments Commission (which will be put on a statutory basis, or merged into a new statutory Appointments Commission on the Wakeham model)
- the Electoral Commission (which will supervise the new elections).

Because the elected members will represent the nations and regions there should ideally also be consultation with the devolved administrations in Scotland, Wales and Northern Ireland and the regional associations of the Local Government Association in England.

Table 2 below proposes three timetables which stage two reform might follow. There is no particular urgency about implementing further reform; but the electoral cycle suggests the legislation should ideally be introduced in the first or second session of the new parliament. If (as is likely) elections to the new second chamber are linked to European Parliamentary elections, the new arrangements need to be in place by June 2004, when the next European elections will be held. That means achieving Royal Assent by the end of the second session in October 2003, if the first elections to the second chamber are to be held in June 2004.

The fast track option sees government proposing legislation in the first parliamentary session. This seems unlikely on several counts. There will be a new Leader in the Lords after the election, who will need time to master the brief and is unlikely to be in a strong position to bid for a bill in the first Queen's Speech. The fast track option does not allow time for the parliamentary joint committee to be established, and cuts across what Lord Falconer recently proposed. The lack of consultation would aggravate MPs as well as peers: something government would seek to avoid. But it shows what is technically feasible if the government really wanted to push ahead fast with the next stage of Lords reform.

The medium option still requires the new Leader of the Lords to move fast, bringing out a White Paper after six months to set the agenda for the Joint Parliamentary Committee to consider the government's proposals in the first half of 2002. Talks would continue between (and within) the parties before the White Paper was published and joint committee established. (An alternative could be for the White Paper to follow joint committee recommendations, but for the government that is a higher risk strategy). The joint committee would then have several months to consult and publish recommendations, before a Bill was introduced in the second session. There are a number of potential difficulties with this scenario. First, consultations may throw up new issues and only emphasise the lack of agreement from other parties (and possibly the Labour Party) with the government's preferred option. Second, the timetable does not allow much time for the 'national debate' promised by Lord Falconer. Third, if the House of Lords blocks the Bill, there is little time to pass it using the Parliament Acts in time for 2004 elections. In 1998 a similar situation arose with respect to the European Parliamentary Elections Bill, which was



lost in November when the Lords refused to accept closed lists, but immediately re-introduced by the government in December. The bill was then forced through under the Parliament Acts in January, just in time for the elections to go ahead using the new voting system in June 1999. However, this relied on a degree of co-operation from the House of Lords in the second session, by the unusual tactic of blocking the bill at Second Reading; if opposition peers had wanted to delay matters further they could have done.

On the slow timetable there is more time for consultation in the first year of the new government, and for a second stage of consultation (Lord Falconer's 'national debate') by publishing the bill in draft before introducing it in the third session. Legislation in the third session means missing the deadline of the next European Parliamentary elections in June 2004. The legislation could provide for the first elections to be held in May 2005, to coincide with the local government elections (and possibly the next general election); but thereafter to be held at five-yearly intervals, and so run in tandem with the European Parliament elections from June 2009.

It would appear that there are potential difficulties with each of these scenarios, but amongst them the medium or the slow track option seems the most probable.

**Table 2: Timetable for Lords reform stage two**

	<b>Fast track</b>	<b>Medium</b>	<b>Slow</b>
<b>2001</b>			
June	General election	General election	General election
July	Publish White Paper setting out govt's plans	Consultation with parties, etc	Consultation with parties, etc
November	Introduce bill to implement stage two	Publish White Paper setting out govt's plans	
<b>2002</b>			
January/February		Establish Parliamentary Joint Cttee	Publish White Paper & establish Joint Cttee
spring/summer		Joint Committee takes evidence	Joint Committee takes evidence
July		Joint Committee reports	Joint Committee reports
October/November	Royal Assent	Introduce bill to implement stage two	Draft bill published
<b>2003</b>			
January			?Pre-legislative scrutiny of draft Bill
June	Royal Assent if Parliament Act used		
October		Royal Assent	Bill introduced to implement stage two
<b>2004</b>			
January		Royal Assent if Parliament Act used	
June	First elections at same time as EP elections	First elections at same time as EP elections	EP elections
October			Royal Assent
<b>2005</b>			
<b>May</b>			First elections with local govt elections
...			
<b>2009</b>			
June			Second elections with EP elections

## 1.3 Regional assemblies in England

### *The story so far*

The 1997 manifesto contained two policy strands: to

establish Regional Development Agencies to co-ordinate regional economic development, help small business and encourage inward investment

and

the establishment of regional chambers to co-ordinate transport, planning, economic development, and bids for European funding and land use planning.

Demand for directly elected regional government so varies across England that it would be wrong to impose a uniform system. In time we will introduce legislation to allow the people, region by region, to decide in a referendum whether they want directly elected regional government. Only where clear popular consent is established will arrangements be made for elected regional assemblies.

In government Labour has delivered on the first but not on the second. The Regional Development Agencies Act 1998 was passed in the first session, and the eight new RDAs went live in April 1999. But they were not made accountable to Regional Chambers, which are voluntary, non-statutory bodies, with no resources from central government and a consultative role only. On the second part of Labour's regional policy John Prescott received no support from his Cabinet colleagues to move towards elected regional assemblies, and no further progress was made on this during the first term.

### *The new policy commitment*

The policy statement on Environment, Transport and the Regions approved by Labour party conference in September 2000 goes back to the 1997 manifesto:

The Labour Party 1997 election manifesto recognised that demand for elected regional government varies and said that only where clear popular consent is established will arrangements be made for directly elected regional assemblies.

It then restates the commitment to regional assemblies, and proposes a way forward:

Labour intends, as soon as practicable, to move to directly elected regional government where and when there is a clear demand for it. The way forward will include proposals to:

- request that the existing regional assemblies and chambers, working closely with the regional partners, develop detailed proposals for elected assemblies in their respective regions;
- publish a Green or White Paper on regional governance.

The policy acknowledges the concerns voiced by the opponents of regional government:

Those with reservations about regional assemblies have stated that careful consideration will need to be given to ensuring that elected assemblies do not create additional tiers of bureaucracy; to the responsibilities, powers, size and type of assembly; to the appropriate test of public consent; to the type of voting system; and to the relationship between assemblies and the other democratic institutions, including local government and Westminster.

Finally the policy repeated a condition from the 1997 manifesto which might prove to be an insuperable hurdle:

Development of regional governance structures should not result in adding a new tier of government to the English system and would require a move to a predominantly unitary system of local government as presently exists in Scotland and Wales.

Since then the government has indicated that the move to a predominantly unitary system of local government could take place subsequent to the creation of elected regional assemblies. In a debate in Westminster Hall on 16 January 2001 the Parliamentary Under-Secretary at DETR, Beverley Hughes MP, stated that there is

no presumption that if there is to be local government restructuring, it would have to come before the introduction of regional government.

But even if it comes after, the requirement of moving to a predominantly unitary system of local government is a major hurdle: one which is likely to strengthen the opposition of local government to the introduction of regional government.

### ***Timing considerations for introducing regional government in England***

Unlike 1997, the new policy avoids any reference to referendums; it talks instead of 'the appropriate test of public consent'. In practice, having used referendums in Scotland and Wales (1997), Northern Ireland (1998) and London (1998), it may prove difficult to avoid their use to test public support for regional assemblies in England. The alternative would be to require a resolution of the regional chamber, or resolutions of a weighted majority (eg 75 per cent) of all the local authorities in the region to trigger the process. Even then a referendum might be required as a further test of public support, and as a legitimating device (eg to protect assemblies against abolition by a subsequent Conservative government). Referendums are also now required under the Local Government Act 2000, where directly elected Mayors can only be introduced following a local referendum.

The sequence of events might be as follows:

- Government publishes Green Paper setting out options for regional governance
- Consultation period for responses from LGA, RDAs, Regional Chambers etc
- Government publishes White Paper setting out its policy
- Regional Chambers develop proposals for elected assemblies in their regions

- Government introduces bill to define powers and functions of regional assemblies, size, composition, financing and electoral system; and to authorise referendums and/or other test of public consent
- Referendums/other trigger procedure held region by region when they are ready
- Assemblies come into being in those regions which vote Yes.

How fast this sequence might be followed will depend upon:

- the degree of political will, from a government which in the first term was deeply divided on the issue
- whether the government wants to see elected regional assemblies established during the second term
- whether the government prefers to adopt a two-stage policy, with regions first having an indirectly elected assembly, before proceeding to direct elections
- whether the government introduces separate legislation authorising referendums, before the main legislation establishing regional assemblies
- how much power is transferred to the regional assemblies. The more slimline and 'strategic' they are, the less will be the resistance from local government below and central government above.

The first factor is the most important. With political will, the Labour government established the Scottish Parliament and Welsh Assembly two years after being elected; and the Greater London Authority within three years. In each case, separate legislation was introduced to authorise the referendum; a White Paper was published, as the 'prospectus' for the voters; the referendum was held; and the main devolution legislation was then introduced. But Labour policy was well defined on the powers of the Scottish Parliament and Welsh Assembly; and what was devolved was the powers and functions of the Scottish Office and the Welsh Office, with little direct impact on the rest of Whitehall. In the English regions everything is still to play for, Whitehall is much more directly affected, and there is bound to be powerful rearguard action by the major Whitehall departments, led by new Secretaries of State defending their new empires. This suggests a much slower timetable, starting with a Green Paper and a consultation exercise before firming up the government's proposals in a White Paper.

A functional timing consideration will involve linking regional assemblies to the rest of the electoral cycle. Voter turnout is low in local government elections in England (29 per cent at the last elections in May 2000). Turnout for the London referendum in May 1998 was 35 per cent; and for the London assembly election in May 2000 31 per cent. There is no reason to suppose turnout in regional elections would be much higher. One way of trying to boost the turnout would be to combine regional elections with those for another tier of government. There are three possibilities:

- **Local government.** This would have functional linkages, since regional and local government will have overlapping responsibilities in economic development, land use planning, waste management etc. But these linkages would be lost on most of the electorate. The other disadvantage of local government is that only between 45 per cent and 80 per cent of the population are eligible to vote each year in local elections, because they are staggered across the country.<sup>10</sup>
- **European Parliament elections.** Turnout here is even lower: in the 1999 European Parliament elections it sank to 24 per cent. But in future this could include elections to the new second chamber, which is likely to use the same regional constituencies as those now used for European Parliamentary elections. The population of each region could vote at the same time for their regional assembly. This would help to strengthen the sense of a regional demos, but it would require five-year terms: the electoral cycle for the European Parliament is 1999, 2004, 2009, 2114 etc.
- **Scottish Parliament and Welsh Assembly.** This would not *per se* boost turnout in England; but it would link regional elections in England to the devolved tier in Scotland and Wales, making for a combined four-year cycle of elections across the nations and regions.

A similar but subordinate issue is whether it might be possible to link the timing of any referendums to other elections, in order to try to boost turnout in the referendum. This is harder to manage if the initiation of the referendum lies in the hands of the regional chamber. If there is a rolling start to the process, it may be that regional elections cannot be synchronised, either with each other or the rest of the electoral cycle. This is what happened in Spain, where devolution was a 'bottom up' process; the different regions gained their autonomy at different times, and the regions still vote at different times. By contrast in France, where regional government was introduced 'top down' on a uniform basis, regional elections are all held at the same time.<sup>11</sup> If synchronisation was deemed desirable, it would of course be possible to allow a rolling start to the process, but to put regional elections onto a common timetable further down the track.

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<sup>10</sup> The proportions for local government in England (excl the Greater London Authority) are 2001 50%, 2002 55%, 2003 80%, 2004 45%. Figures sum to more than 100% over four years because of two tier elections, and districts elected by thirds where the whole electorate votes each year for one councillor in three-member wards. Source: Colin Rallings, Plymouth University.

<sup>11</sup> Constitution Unit, *Regional Government in France and Spain*, September 2000.

**Table 3: Three possible timetables for introduction of regional assemblies**

<b>2001</b>	<b>Fast track</b>	<b>Medium</b>	<b>Slow</b>
June	General election	General election	General election
July	Govt publishes Green Paper		
October	End of consultation period	Govt publishes Green Paper	Govt publishes Green Paper
<b>2002</b>			
January		End of consultation period	End of consultation period
March	Govt publishes White Paper		
April	Regional Chambers develop proposals for regional assemblies		
June		Govt publishes White Paper. Regional Chambers start developing proposals	Govt publishes White Paper
November	Govt introduces bill defining powers and functions of regional assemblies; and authorising referendums	Referendums (Regional Assemblies) Bill introduced	Regional Chambers (statutory powers) bill introduced
<b>2003</b>			
spring/ summer	Regional Chambers continue planning, prepare for referendum	Referendums Bill passed	
July	Royal Assent for Regional Assemblies Bill		Regional Chambers (statutory powers) bill passed
September	Referendums held in vanguard regions	Referendums held in vanguard regions	
November		Regional Assemblies (Powers and Functions) Bill introduced	
<b>2004</b>			
April			Regional Chambers assume their statutory powers
May	First elections held in regions which voted Yes (if linked to local govt electoral cycle)		
June	First elections held in regions which voted Yes (if linked to Eur Parlt election cycle)		
July	First regional assemblies take up their powers	Royal Assent for Regional Assemblies Bill	

<b>2005</b>			
May	First likely date for next general election	First elections in regions which voted Yes (if linked to local govt electoral cycle)	
July		First regional assemblies take up their powers	
<b>2006</b>			
May	Last likely date for next general election		
<b>2007</b>			
			White Paper on directly elected Regional Assemblies
			Regional Assemblies bill introduced
<b>2008</b>			
May	Second round of regional assembly elections (if linked to local government cycle)		Referendums held
<b>2009</b>			
June	Second round of regional assembly elections (if linked to European Parliament electoral cycle)		First regional assemblies established



The vanguard regions are likely to be the North-East, North-West and West Midlands, which were the first to establish constitutional conventions (in 2000). The second wave is likely to include the South-West (if it can resolve boundary issues with Cornwall) and the East Midlands. The government may want to bunch the regions into groups rather than allow referendums to be held one by one. The timing of referendums will also depend critically on when their proponents think they can must sufficient popular support.

In the timetable below the fast track is not as fast as devolution for Scotland and Wales in 1997-99. It follows a broadly similar timescale to London (1997-2000), where it took three years to establish the new Greater London Authority. The main difference of the medium timetable is that it legislates in two instalments: first to authorise referendums, in 2003, and then the main devolution legislation establishing regional assemblies is passed in 2004. The slow track illustrates a two-stage policy in which the government legislates first to give statutory powers to (indirectly elected) regional chambers; and lets them operate for four or five years before moving in the next Parliament to establish directly elected regional assemblies. Like all two-stage reforms, it runs the risk of being blown off course before the second stage is reached. This two-stage process was broadly the path followed in France.

Which timetable is most likely depends entirely on the degree of political will; and which Cabinet Minister is put in charge. But even a committed Minister cannot run too far ahead of his colleagues, as John Prescott found during Labour's first term. There will need to be strong support from No 10 for either the fast or medium timetable to be achieved, because the greatest resistance is likely to come from within Whitehall.

The attitude of colleagues is crucial. Gordon Brown's call in Manchester for stronger regions may have started to tilt the balance.<sup>12</sup> Tony Blair's endorsement of party policy at the Labour spring conference in Glasgow may signal a shift on his part.<sup>13</sup> The next signals will be the wording in the manifesto, and Blair's choice of Minister to implement the policy.

The position would not be very different if Labour depended on Liberal Democrat support; unless the Lib Dems negotiated a Programme for Government (as they have in Scotland and Wales), and made regional government a high priority within that. Lib Dem policy is not that different in detail from Labour. Although more openly in favour of regional assemblies, they allow for referendums, which implies a rolling programme with some regions opting out, at least initially.

Only on the fast timetable would regional assemblies be established in advance of the first likely date for the 2005-6 general election. To achieve that would require a very strong commitment early in the life of the new government, of political will and of staffing and

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<sup>12</sup> Gordon Brown, 'Enterprise and the Regions', speech at UMIST, 29 January 2001.

<sup>13</sup> *The Guardian*, 19 February 2001.

other resources. So long as Blair remains ambivalent the most likely timetable is the medium or slow one: even the medium one requires much more commitment from Cabinet colleagues than has been in evidence so far.

## **1.4 Referendum on the voting system**

### ***The story so far***

This is the second manifesto commitment which the government has not implemented. The Joint Committee with the Liberal Democrats which reported in March 1997 committed Labour to holding a referendum 'within the first term of a new Parliament', but the manifesto was silent on timing:

We are committed to a referendum on the voting system for the House of Commons. An independent commission on voting systems will be appointed early to recommend a proportional alternative to the first-past-the-post system.

Blair acknowledged the commitment to hold the referendum during this Parliament in a written Parliamentary Answer in November 1998:

The date has not been decided. It had always been envisaged that the referendum would take place before the next election ... If it proves impossible to do so before the election for sound practical reasons, then it should be held at the earliest moment it is appropriate to do so.<sup>14</sup>

The timetable was always going to be tight if the referendum was to be held in time to make a change to the voting system before the next (2001) general election. In the event the Jenkins Commission was not established very swiftly, but reported within 12 months, and recommended a system dubbed AV-plus: the Alternative Vote for single member constituencies, plus a relatively small number of top-up seats to provide an element of proportionality. Jack Straw could have sought powers to hold the referendum in the legislation to establish the Electoral Commission, which was passed in 2000. By then it would have been much too late to make any change before the election; but the referendum could have been held at the same time as the election, as happened in New Zealand in 1993. In moving slowly on this Straw reflects the views of the large majority of his Cabinet colleagues: PR has few supporters in Cabinet.

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<sup>14</sup> HC deb WA 11 November 1998.

### ***The new policy commitment***

The policy statement approved by party conference in September 2000 on Democracy and Citizenship acknowledges the 1997 commitment to hold a referendum on the voting system, but falls short of repeating that commitment. It states that :

Whilst remaining committed to the holding of a referendum before any change to the House of Commons electoral system is introduced, Labour will allow the changes for elections to the European and Scottish Parliament and for the Welsh and London assemblies to become familiar and allow time for all their consequences to be felt before deciding on any further proposals for electoral reform.

Consultation within the Labour Party about the Jenkins report had disclosed serious concerns about the acceptability of AV-plus. For a time it seemed that Labour might propose the Alternative Vote instead, either as a stepping stone towards AV-plus, or as an alternative in its own right. But in February 2001 newspapers were briefed that Tony Blair would drop the pledge to hold a referendum on electoral reform from the manifesto.<sup>15</sup> It would be risible, it was said, to repeat the pledge to hold a referendum when Labour had failed to carry it out in this Parliament. There was virtually no support in Cabinet, and many in the party remained hostile to the change.

### ***Timing considerations***

What follows may therefore be hypothetical. The timetable is not so tight as in the first term, because the first two steps have been achieved. An independent commission has reported and offered an alternative voting system. And an Electoral Commission has been established, which can help with voter education, supervise the referendum, and in time will take over the functions of the Parliamentary Boundary Commissions. This last factor is potentially important because the slowness of boundary reviews has been a major constraint in implementing a change in the voting system in the life of a single Parliament. But present plans are for the Electoral Commission not to take over the Parliamentary Boundary Commissions until after 2005/2006, when they are expected to have completed the current review of parliamentary boundaries, on which they have just embarked. This means that speedier boundary reviews will only be possible from 2006 onwards.

The timescale for introducing a new electoral system for the Commons was put by the Jenkins Commission at eight years.<sup>16</sup> The Constitution Unit has previously estimated the timescale at four to six years.<sup>17</sup> The issues that need to be dealt with during this period are, in chronological order:

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<sup>15</sup> Steve Richards, *Independent on Sunday*, 4 February 2001.

<sup>16</sup> *Report of the Independent Commission on the Voting System*, Cm 4090-I, October 1998, para 153.

<sup>17</sup> Constitution Unit, *Changing the Electoral System*, March 1997.

- legislation for the referendum
- public education on the issues, for at least 2-3 months
- holding the referendum
- legislation to introduce the new electoral system, if the vote is for change
- redrawing of constituency boundaries
- selecting party candidates for the new constituencies.

There is little doubt that the eight year period identified by the Jenkins Commission could be reduced substantially, largely by a more rapid boundary redrawing exercise. The last Parliamentary Boundary review took four years, and the one before that took seven. The key issues determining the length of the exercise are: the geography of the new boundaries (which will depend partly on the electoral system being used), the degree of public consultation deemed necessary and the resources committed to the exercise. If the government wanted a speedy review, it could streamline the procedure and commit far greater resources to the exercise.<sup>18</sup> The new Electoral Commission could probably shorten the process to around two years, but it would be unwise to assume that it could be squeezed much further. This means that the total process is unlikely to take less than four years.

The effect of all this is that it might just be possible to introduce a new electoral system in time for the 2005/6 general election, but only if the referendum is held early in the next parliament; and only if the next parliament runs close to its full five year length. This would tie the hands of the government in relation to the timing of the election after next. That is the timescale shown in the 'fast track' option below, with the referendum held after one year. If the government wanted to keep its timing options open for a general election in May 2005, the boundary reviews would need to be completed in 18 months. This task would be beyond the Parliamentary Boundary Commission for England: its functions would have to be transferred to the Electoral Commission earlier than planned.

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<sup>18</sup> It will also help that the chairman of the new Electoral Commission is a full time post. One of the constraints on the Parliamentary Boundary Commission for England has been the fact that its chairman is a serving High Court judge who can devote only limited time to its work.

**Table 4: Possible timetable for changing the voting system**

<b>2001</b>	<b>Fast track: referendum in 2002</b>	<b>Gradual: introduce AV for 2005/06 election, AV+ for election in 2009/10</b>	<b>Slow: review experience of PR elections before holding referendum</b>
January	Electoral Commission established		
June	General election		
October	Bill introduced to authorise the referendum		
<b>2002</b>			
February	Royal Assent. Electoral Commission starts voter education, funds campaigning groups	Govt publishes White Paper explaining plans and timetable for two stage voting reform	
May	Referendum held (to coincide with local govt elections)	Referendum bill introduced	
June	Bill introduced to change voting system and redraw parly boundaries		
November	Bill carried over to second session	Royal Assent for referendum bill	
<b>2003</b>			
January	Royal Assent	Electoral Commission starts voter education, funds campaigning groups	
February	Boundary reviews commence. To be completed in two years		Review established into voter attitudes to Sc, Welsh, London and Eur Parlt elections
May		Referendum held (to coincide with local govt elections in England, Scottish Parlt and Welsh Assembly elections)	Scottish Parlt and Welsh Assembly elections
<b>November</b>		Bill introduced to authorise two stage change to voting system	Interim report of review on voter attitudes to PR
<b>2004</b>			
January			<i>Bill introduced to authorise referendum on voting reform</i>
May			London elections
June			European Parlt elections
July		Royal Assent to two stage legislation	<i>Royal Assent for voting reform referendum bill</i>
September			Final report of review on voter attitudes to PR
<b>2005</b>			

February	Boundary reviews complete		
March	Parties start to select candidates for new seats (takes 6 months)		<i>Electoral Commission starts voter education, funds campaigning groups</i>
May	First likely date for next general election	General election held using AV	<i>Referendum held at same time as next election</i>
<b>2006</b>			
May	Last likely date for next election	Electoral Commission takes on functions of Parly Boundary Commissions, embarks on wholesale review of parly constituencies	
<b>2008</b>		Electoral Commission completes boundary review	
<b>2009</b>		General election held using AV+	

If the referendum is not held in the first year of the new parliament, there is little prospect of introducing a proportional voting system in time for the next general election. But there are several ways in which the government could keep the policy in play. One possibility, advocated by some in the Labour Party, is to go for a two stage implementation of the Jenkins voting system. This would introduce the Alternative Vote (AV) before the 2005/06 election, and AV-plus for the election after that, in 2009/10. AV on its own requires no boundary changes, and once the legislation has been passed it could be implemented swiftly. But it still requires relatively swift action in the next parliament (see below). Nor is AV a proportional voting system: indeed it can yield more disproportional results than first past the post.

To overcome suspicions that AV was being introduced simply to advantage the Labour Party and that the second stage might not happen, the referendum question would need to seek endorsement for AV-plus, but explain to voters that the change would be implemented in two stages. A variant on this is a two question referendum being floated by Martin Linton MP in which voters would be asked:

- whether they want a preferential system in which they can rank candidates (AV)
- whether they want a limited top up of list candidates to provide greater proportionality (the 'plus' in AV-plus).

Even though it is presented as a two-stage and gradualist approach, the introduction of AV as the first stage would still require early action in the next parliament. Labour is committed to holding a referendum before making any change to the voting system for the House of Commons. This would include changing to AV. Holding the referendum requires legislation. The referendum would need to be held in time to legislate to change the voting system before the next general election in 2005/6. A possible timetable is shown in the middle column in Table 4. The referendum bill is introduced in the first session; the referendum is held half way through the parliament, in May 2003, and legislation to change

the voting system is introduced in the third session, in time for the first likely date for the next election in May 2005. To start the process would require early action by the new Home Secretary, with a White Paper in the first year of the new government and a referendum bill in the first session.

A second possibility if the government wants to play things long is to stress the need for the new electoral systems in Scotland, Wales, London and the European Parliament to become familiar, in the words of the policy statement approved at the 2000 Labour Party conference, and to say that the government wants to evaluate the new electoral systems through one more cycle.<sup>19</sup> The next round of PR elections will take place in 2003 (Scotland and Wales)

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<sup>19</sup> The lessons from the first round of PR elections are summarised in the Constitution Unit's briefing, *What we already Know: The Lessons for Voting Reform from Britain's first PR elections*, May 2001.

and 2004 (London and the European Parliament). To capture voter attitudes the review of the new PR voting systems would need to be established before the Scottish and Welsh elections, and could report in autumn 2004 (if required, it could produce an interim report in autumn 2003). This option is shown in the final column in Table 4. Labour could then enter the 2005/06 election with a manifesto commitment on voting reform based upon the findings of the review. Alternatively, if half way through the parliament Labour felt ready to move on electoral reform, they could announce an intention to hold the referendum at the same time as the next election. This option is shown in italics in the final column of Table 4. It would require legislation in the third session to authorise holding the referendum.

The fast track option seems unlikely given the downgrading of the commitment to the referendum at the 2000 party conference. It is likely to come into play only if the new government depends on the Liberal Democrats for their parliamentary majority, and the Lib Dems make it a key condition of their support. It would require full commitment and a very rapid start, with a bill to authorise the referendum being one of the first measures introduced in the new parliament. It would then be in competition with the referendum on the Euro (see Part 3 below).

If the government has a comfortable majority but wanted to keep the issue in play, it could pursue either of the options in the middle or final columns. Both envisage a timescale stretching over two parliaments, leading to introduction of a proportional voting system in 2009/10. In terms of internal Labour Party politics, a two stage implementation process has its attractions. Going for AV for the 2005/06 election and only then changing boundaries and introducing the 'plus' would lessen the concerns of many Labour MPs. The turkeys would have voted for Christmas, but for the parliament after next; and they might see more clearly the need to keep the Liberal Democrats in play come 2005.

But the two stage reform, starting with AV, requires an early start. If the timetable in the middle column of Table 4 was followed it would be necessary to embark on the two stage reform process in the first year of the new government. The new Home Secretary is likely to have other priorities for the first year, and unlikely to gain support in Cabinet for such precipitate action. More likely is the slow path, relying on the commitment to review the experience of PR in Scotland, Wales etc before deciding on any further proposals for electoral reform. This requires no action for the first two years, and low key action for the next two years, while the review is conducted of the second round of PR elections. If half way through the parliament Labour found it needed the Liberal Democrats or wanted to speed things up, it could set in train action to hold the referendum at the same time as the next election. This action would need to be initiated in 2004.



## **Part 2: Other commitments which arise in the second term**

### **The Treaty of Nice**

The Treaty of Nice, agreed at the EU Council of Ministers in December 2000, will require legislation to give effect to the treaty amendments; just as the Treaty of Maastricht and the Treaty of Amsterdam required legislation in the European Communities (Amendment) Acts of 1993 and 1998. The legislation can be introduced in the first session of the new Parliament, as the Maastricht Bill was introduced in the first session of the 1992-97 Parliament, and the Amsterdam Bill in the first session of the 1997-2001 Parliament. Like the Amsterdam Bill, it should have a relatively easy passage; John Major's difficulties over the Maastricht Bill were caused by the narrowness of his parliamentary majority, which made the government vulnerable to a small band of Eurosceptics. But this will depend on the size of the new government's majority, and whether the bill becomes a vehicle for some pre-Euro referendum skirmishing.

The next Intergovernmental Conference on reform of the EU institutions has been scheduled for 2004. The main agenda item will be enlargement. This is likely to require legislation, of two kinds: the Accession Treaty will need to be ratified by all the national parliaments; and it will require consequential changes in the constitution of the EC (number of Commissioners, voting rules in the Council of Ministers, etc), most of which were ducked at Amsterdam but cannot be delayed much longer. The likelihood is that this legislation will fall into the parliament after next, and so will not form part of the second term agenda.

### **The devolution settlement in Wales**

Half way through the second year of devolution the part of the settlement which is most clearly not working is the National Assembly for Wales. Few Members of the National Assembly believe that it has sufficient powers to make a difference. The questioning goes right through to the top. During the first year of the Assembly's life Ron Davies, its creator, then Lord Elis-Thomas its Presiding Officer, and lastly Rhodri Morgan as the new Leader have all expressed doubts about the design and functioning of the new body. It has become generally accepted in Cardiff that a private poll of the members of the National Assembly would yield a comfortable majority in favour of the Assembly being granted legislative powers.

This has led Rhodri Morgan to propose two reviews, one short term and one much longer term. The first, under the chairmanship of the Presiding Officer, started work in December 2000 and is looking at the current working of the Assembly. It will try to develop a clearer separation of powers and better working methods, but all within the current legislative framework, and is due to report in November 2001. It must now be set alongside a recent enquiry initiated in February 2001 by the Welsh Affairs Committee in the House of

Commons, which is looking into the adequacy of the arrangements in Whitehall and Westminster for making primary legislation for Wales.

The second of Rhodri Morgan's reviews is a more long term exercise, promised in the October 2000 Partnership Agreement with the Liberal Democrats, to establish an independent commission to enquire into the adequacy of the settlement granted to Wales. As currently envisaged, the second review would not start until the Assembly's second term, in 2003, and would report back towards the end of the second term of a Labour government at Westminster. So it might be an agenda item for a third term. But if the frustration in Wales bubbles over, or if the Select Committee condemns the current arrangements for legislation affecting Wales, the second review could be brought forward. Whenever it reports, Labour will need to take the review's findings seriously: Whitehall is finding the Welsh settlement as unsatisfactory as are the leaders in Wales.

### **Devolution in Scotland: reduction in size of Scottish Parliament**

The Scottish Parliament has 129 members: 73 constituency members, and 56 additional members to provide proportionality. In recognition of Scotland's over-representation at Westminster, the Scotland Act 1998 provides (s86) for the number of Scottish MPs at Westminster to be revised in line with the electoral quota for England at the time of the next Parliamentary Boundary Commission review. The next review is due to be completed between 2002 and 2006. It will mean a reduction in the number of Scottish MPs at Westminster from 72 to around 60 MPs. (Strict parity would require 57 Scottish MPs, but special geographical factors will probably allow 60 or 61).

Schedule 1 to the Scotland Act provides for a parallel reduction of some 12 to 15 constituency MSPs in the Scottish Parliament, because it shares the same constituency boundaries as Westminster; and for a corresponding reduction in the number of additional members, to maintain the ratio between constituency and additional members. This means that the Scottish Parliament will have 129 members for its first two terms, elected in 1999 and 2003; but for its third term in 2007 it is scheduled to go down to less than 110 members.

Given the workload already experienced by the members of the Scottish Parliament and its committees this will not pass without protest. But only Westminster could pass the amending legislation to break the link between Westminster and Scottish Parliament constituencies. To be done in time to affect the work of the Scottish Boundary Commission, the legislation would need to be passed early in the new parliament. The Scottish Boundary Commission is due to start work in summer 2001, with draft proposals published by end 2001, and final decisions in summer 2002. The Commission's boundary reviews will force the issue out into the open. A dozen Scottish MPs will find their seats have disappeared, and two dozen MSPs face removal from the Scottish Parliament.

If the Scottish Parliament is to remain at its present size, the Boundary Commission will need authority to do two separate exercises: to reduce Westminster representation in line with the English quota, while retaining 73 constituency seats for the Scottish Parliament, but revising their boundaries in line with population changes. The two exercises need not necessarily be done at the same time; but given the Commission's understandable desire to use contiguous boundaries and common building blocks wherever possible, it would make sense if it were able to do so. At the very least the Commission should know whether the government still intends that the Scottish Parliament should shrink in proportion to the reduction in Scottish representation at Westminster. The government should make its intentions clear now (ie in 2001-2, while the Scottish Boundary Commission does the current review), even if the legislation is brought forward subsequently. The latest date when such legislation could be introduced at Westminster before the Scottish Parliament elections in 2007 is in 2004-05, to allow the Boundary Commission 12 months to revise the constituency boundaries for the Scottish Parliament.

### **Over-representation in Wales**

Wales has 40 members at Westminster. If this figure were revised in line with the electoral quota for England Wales would have 33 MPs (but this might be allowed to rise to 35 to allow for sparsely populated rural areas). But there is no provision in the Government of Wales Act 1998 to reduce Welsh over-representation at the next boundary review. Wales will maintain that the over-representation is justified so long as the National Assembly is dependent on primary legislation at Westminster. If the National Assembly is given legislative powers following the 2003-5 review of the legislative framework, Welsh over-representation at Westminster will be called into question. It could be reduced in the same legislation which confers primary legislative power on the Welsh Assembly. There is no need for any consequential reduction in the size of the National Assembly, which is small enough as it is: the argument will rather be whether it will not require a slight increase in size, to cope with its new legislative powers.

### **Devolution in Northern Ireland**

The position of the Northern Ireland Executive is still very precarious, with Unionist support in the balance. An early test will be the Westminster elections: if Trimble supporters lose seats to the DUP, that will further undermine Unionist support for the Belfast Agreement. Labour's second term could see a reversion to direct rule, if the Executive once again is threatened with collapse.

The next potentially destabilising factor is the Irish elections in May 2002, when it is expected that Sinn Fein may gain some seats in Dublin. This could change the political climate in the North-South Ministerial Council and North-South implementation bodies.

Immediately after that will be the second round of elections to the Northern Ireland Assembly, which fall due in June 2002.

### **European Parliament elections: new electoral system**

After the very low turnout in the 1999 European Parliament elections, Labour's National Executive Committee was reported to be considering a review of the closed list regional list electoral system.<sup>20</sup> Nothing further has been done about this. If the idea of a review is revived after the election, the issue could be referred to the Electoral Commission.

### **PR for local government in Scotland and Wales**

Scotland is inching closer to changing the voting system for local government. The McIntosh Commission (1999) recommended a change of voting system to PR. The Kerley Committee confirmed McIntosh's first choice of STV, with wards of between two and five members. The Scottish Executive has announced its intention of moving local authority elections back a year to May 2003, to coincide with the Scottish Parliament elections. The aim is to change the law on the voting system by the time of the 2003 elections, but not necessarily in time for those elections to take place under STV.

The Welsh Local Government Association has recommended the same change, but this would require legislation at Westminster. The power to make changes to the electoral cycle for local government elections in Wales now rests with the National Assembly (s106 of Local Government Act 2000).

### **Local government and elected Mayors**

Under the Local Government Act 2000 local authorities must draw up proposals for new executive arrangements: a cabinet with a council leader, elected mayor with a cabinet, or elected mayor with council manager. The elected mayor option must be put to local referendum. No dates have yet been laid down for these referendums, which must take place in May or October. Few local authorities so far have taken the directly elected mayor option: they are Berwick-on-Tweed, Brighton and Hove and Lewisham. Second wave candidates include Birmingham, Bristol, Newcastle, Thurrock, Middlesbrough and Watford.

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<sup>20</sup> *The Guardian*, 28 July 1999.

## **Political parties and candidate selection: Legal change to promote women's representation**

### ***The story so far***

This was not an issue addressed by the Labour Party in its 1997 manifesto, but it has risen to prominence since. Labour used all women shortlists in half its winnable seats for the 1997 election, and succeeded in doubling the number of women in the House of Commons, from 60 to 120. However, the use of this mechanism was ended after it was found to be unlawful by an Industrial Tribunal in 1996. Although Labour, the Liberal Democrats and Plaid Cymru used various 'positive action' systems to ensure high levels of women's representation in the Scottish Parliament and National Assembly for Wales, and improvements in the European Parliament, there have been threats of legal action against these systems. None of the parties has adopted an effective mechanism to improve women's representation in the House of Commons, and the number of women MPs is set to go down at the next general election, for the first time since 1979.

### ***The policy commitment***

Since Labour's failure to select women candidates has become apparent, the party has come under pressure to change the law explicitly to allow parties to use positive action systems. It has been suggested that this might be achieved through the introduction of a short electoral law.<sup>21</sup> Labour has welcomed these suggestions, and indicated that it will act.

The party's Democracy and Citizenship policy document, passed by Labour Party conference in September 2000, said that:

In the next parliament we will take action, including legislation if necessary, to ensure that all political parties can introduce measures guaranteeing selection of more women and ethnic minority candidates for winnable seats.

In October 2000 the Minister for Women Margaret Jay indicated that work on this has already begun, saying that:

... the Government are asking the Home Office to look at the possible changes to the electoral law which might bring about further action

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<sup>21</sup> See M. Russell, *Women's representation in UK politics: What can be done within the law?*, Constitution Unit, June 2000.

It is understood that the government have set up a Home Office taskforce to look at this matter.

### ***Timing considerations***

If government introduces legal change, its first focus will be on selections for the next general election. Legislation would need to be passed in order to allow selection procedures to be agreed by the parties and then put into action. However, the government is also under pressure from women in Scotland and Wales, who fear that positive action mechanisms may be needed for the next Assembly and Parliament elections in 2003.

The other timing consideration is whether government wants to tie this legal change in with other changes, or introduce it as a separate bill. The Ministers for Women have for example promised action on equal pay, to close the continuing pay gap between women and men. This might involve a bill amending the Equal Pay and Sex Discrimination Acts. However, such a bill is unlikely to be introduced in the first session of parliament.

### ***Timetable***

	<b>Fast track</b>	<b>Slow track</b>
<b>2001</b>		
June	General election	General election
July	Introduce bill	
<b>2002</b>		
January		
March	Royal Assent	
May	Scottish/Welsh selection procedures agreed, selections begin	Scottish/Welsh selection procedures agreed, selections begin
November		Introduce bill
<b>2003</b>		
May	Scottish/Welsh elections	Scottish/Welsh elections
July		Royal Assent
October	Party conferences agree Westminster procedures	Party conferences agree Westminster procedures
<b>2004</b>		
January	Westminster selections begin	Westminster selections begin
<b>2005</b>		
May	Likely first date for general election	Likely first date for general election

The table shows two possible scenarios. Under the fast track, a short bill is tabled immediately after the general election, achieving Royal Assent in March 2002. This only just leaves time for the Scottish and Welsh parties to meet, agree selection procedures, and begin selecting candidates in May 2002 - a year before the elections. Even the fast track would probably require these processes to be somewhat compressed.

Under the slow track, the bill is not tabled in the first session, but at the start of the second. This allows greater time for policy development, and allows the measure to be rolled up in a wider equality bill if this proves convenient. However, the opportunity to affect the selections to the Scottish Parliament and Welsh Assembly is lost. Instead, if the bill is passed before the summer recess of 2003 this allows the UK parties to build its impact into their selection procedures for the general election.

Which of these scenarios is followed is difficult to say. The second is more comfortable, but has obvious disadvantages. The first however depends on the Home Office taskforce coming up with proposals very soon, and government being prepared to give up space in the first session in order to meet the demands of Scottish and Welsh colleagues. What is clear is that any slower timetable than those shown will miss the opportunity to affect the outcome of a 2005 election.

### **Parliamentary reform**

Labour's 2000 policy statement on Democracy and Citizenship has a section on House of Commons modernisation, but it simply lists the achievements of the first term: better timetabling, publication of more draft bills, the parallel chamber in Westminster Hall. It also recorded as an achievement something which had not then happened:

A House of Commons Standing Committee on Regional Affairs has also been set which provides a forum for debates for MPs representing English constituencies and extends executive scrutiny through providing the opportunity for statements by and questions to ministers.

The new Standing Committee on Regional Affairs was eventually brought into being in March 2001.

For the future, Labour has no specific proposals for further reform. The policy statement fades into generalities:

Labour believes that the whole question of modernisation and its procedures is central to the modernisation of government and in the next parliament will continue to take forward this agenda. These matters for parliament, seeking outside views, are for parliament, rather than government, to decide. Labour will continue to work to seek constructive consensus on modernising the way in which the House of Commons and its members conduct their business.

The familiar phrase that these are matters for parliament, not government, masks a lack of commitment.<sup>22</sup> There is no shortage of ideas; but none espoused by Labour.<sup>23</sup> Whether the

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<sup>22</sup> For a debunking of this fiction see Andrew Kennon, *The Commons: Reform or Modernisation*, Constitution Unit, January 2001.

momentum is revived depends on the new Leader of the House, and whether the unrest on the Labour benches at the lack of progress can be turned into positive action.

## **Human Rights**

The Human Rights Act came into force in October 2000. The second term agenda is largely one of implementation. After long wrangling about the membership, the Joint Parliamentary Committee on Human Rights was finally set up in February 2001. It has announced that one of its first inquiries will be into the case for a Human Rights Commission. It is unlikely to report on this until 2002 at the earliest. If it comes out in favour, the government is unlikely to move swiftly. It will want to consult, in particular with the specific anti-discrimination bodies (Commission for Racial Equality, Equal Opportunities Commission, Disability Rights Commission) who have been ambivalent about a generic human rights body. It may also wish to consult with the Northern Ireland Human Rights Commission, and with the new Scottish human rights commission if one is established there.

## **Freedom of information**

The agenda here is also one of implementation. The Freedom of Information Act was passed in November 2000. The Home Office have submitted an implementation timetable to Ministers, for announcement in June. Commencement will be phased in over the next five years. It is likely to start with central government departments in summer 2002, local authorities by end 2002, police and education service in summer 2003, and remaining public bodies in 2004.

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<sup>23</sup> Contrast the specific proposals of the opposition parties: the Conservatives and Liberal Democrats have both developed detailed proposals to strengthen and improve the performance of Parliament (in the report of the Norton Commission, *Strengthening Parliament*, July 2000; and the report of the Liberal Democrat Working Party chaired by Bob Maclennan MP, *Reforming Governance in the UK*, July 2000). Other ideas for reforming Parliament are to be found in the discussion papers produced by the Hansard Society Commission on the Scrutiny Role of Parliament (2000); and in the collective protest of the chairmen of all the Select Committees, *Shifting the Balance: Select Committees and the Executive* (Liaison Committee, March 2000).



### **Part 3: Composite timetable for Labour's second term constitutional reforms**

The third part of this briefing draws together the timelines for the individual reforms into a composite timetable, to explore the interactions and possible conflicts between them when one timeline is considered alongside the rest. In Table 6 the individual reforms are presented in separate columns, together with a final column for the electoral cycle. This has required us to make a judgment about the speed of each reform (fast, medium or slow track), in part dictated by the urgency of each measure, in part by its impact on the rest. There is clearly no single right answer: the purpose of the timetable in presenting one set of options is to prompt people to think of others.

For the referendum on the Euro, we have taken the medium option of a referendum in autumn 2002. For Lords reform, we have taken the slow option leading up to legislation in 2004. For regional assemblies, we have taken the medium option, with the first regional referendums being held in autumn 2003, and the first regional assemblies taking up their powers in summer 2005. On voting reform, we have assumed a slow path, which means that a referendum will not be held during the next Parliament; but it could be held at the same time as the next election in 2005/06 (shown in italics in the final column in Table 6).

In terms of prioritising between the different measures, we have assumed that the timetable for the Euro trumps everything else. This strengthens our conclusion that there will not be a fast track referendum on the voting system. This would have to be held in the first year of the new parliament in order to introduce a new voting system in time for the 2005/06 election. The government will not want to risk the diversion of a divisive referendum in advance of the referendum on the Euro. Nor would it want to risk combining the two issues in a double referendum on electoral reform and EMU. A government which wants a doubtful electorate to support UK entry into the Euro will not want to complicate a difficult task by holding a referendum on another contentious issue at the same time.

The composite timetable in Table 6 includes a final column showing the electoral cycle. The known elements in terms of future elections are shown in plain type; the new items (referendums, elections to the second chamber, regional assembly elections) are shown in italics. We have also worked into that final column the steps on the slow path to voting reform (also shown in italics). Because Table 6 spreads over several pages, the electoral cycle over the next ten years is shown first in a separate table, Table 5.

We have also included in Table 6 a column to track events in Scotland, Wales and Northern Ireland. This is included to bring out two things. The first is the review of parliamentary boundaries in Scotland, and the knock-on reduction in the size of the Scottish Parliament. No one in Scotland wants to talk about this, but the nettle has to be grasped sometime soon.

If the Scottish Parliament is not to be reduced in size by 20 or more MSPs, Westminster must legislate to break the link by 2004-05 (see pp 35-36). The second reason for this column is to show a possible timetable for evolution of the devolution settlement in Wales, starting with the two reviews announced by Rhodri Morgan (see pp 34-35), which will report back during the next parliament. The column illustrates possible timing for legislation on Wales in the parliament after that, if the government decides to extend the powers of the National Assembly.

One item not included in the column on developments in Scotland and Wales is a change in the funding arrangements for devolution. The Barnett formula is not enshrined in statute, and so no legislation is required to change the funding formula. The Constitution Unit has long predicted the need for a review of the operation of the Barnett formula.<sup>24</sup> Two things might trigger such a review during the next parliament. One is the work on regional government being started in DETR, in preparation for the Green Paper to be published after the election. This has already led to skirmishing about the funding formula between John Prescott, No 10 and the Treasury.<sup>25</sup> The second pressure may come from the devolved governments themselves, as the Barnett formula becomes the Barnett squeeze. Although the latest Treasury figures show that public spending in Scotland remains significantly higher than in England (Scotland 23 per cent above the English average, Wales 18 per cent, Northern Ireland 39 per cent), these figures should start to reduce as the formula begins to operate in the way it was originally intended.<sup>26</sup> Already calls have been made in Wales and Northern Ireland for a review of the formula. If Scotland were to join these calls, and all three devolved governments demanded a review, the pressures might prove hard to resist.

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<sup>24</sup> *Scotland's Parliament: Fundamentals for a new Scotland Act*, June 1996, ch 5; *Constitutional Futures: A History of the next Ten Years*, OUP 1999, ch 11.

<sup>25</sup> 'Scots and Welsh face subsidy axe', *The Guardian* 24 April 2001; 'Regional funding formula review denied', *Financial Times* 25 April 2001. The FT reported 'Mr Prescott's supporters are expected to use a Green Paper on English regional government this summer to push for a review of the 23-year old Barnett formula, in the face of reluctance from the Chancellor'.

<sup>26</sup> Prof David Bell, 'The Barnett Formula and Needs Assessment', Dept of Economics, Stirling, November 2000.

**Table 5 : Great Britain electoral cycle, 2001-2010** (shading indicates likely years of general elections)

Year	Welsh Assembly	Scottish Parliament	London boroughs	London Assembly	English mets <sup>2</sup>	English counties	Districts (whole) <sup>1</sup>	Districts (part) <sup>1</sup>	English unitaries <sup>2</sup>	European Parliament
2001						yes			yes	
2002			yes		yes			yes	yes	
2003	yes	yes			yes		yes	yes	yes	
2004				yes	yes			yes	yes	yes
2005						yes			yes	
2006			yes		yes			yes	yes	
2007	yes	yes			yes		yes	yes	yes	
2008				yes	yes			yes	yes	
2009						yes			yes	yes
2010			yes		yes			yes	yes	

Notes :

1. English district elections: “whole” refers to districts which elect all their councillors at once, while “part” refers to districts which retire a proportion of their councillors at a time. Proportions of the population voting in local government elections in England (excl Greater London Authority) are 2001 50%, 2002 55%, 2003 80%, 2004 45%.
2. Metropolitan and unitary elections take place in different times across the country.
3. Northern Ireland has been excluded for lack of space.

**Table 6 Composite timetable for Labour's constitutional reforms 2001-2009**

	Europe: Euro and IGC	Reform of House of Lords	Regional govt in England	Scotland, Wales and N Ireland	Elections, Referendums and voting reform
<b>2001</b>					
June	General Election	General Election	General Election	General Election	Local govt elections: English counties and unitaries
July	Bill introd to give effect to Nice Treaty	Consult with political parties, etc		Review of parly boundaries begins in Scotland	
September	Chancellor announces timetable for Euro				
October	Chancellor applies five tests		Green Paper on regional government	<b>?Report of Welsh Affairs Sel Cttee on Welsh legisln</b>	
November				Morgan review reports on operation of Welsh Assmby	
December				Scottish Bound Commission publishes initial recomms	
<b>2002</b>					
January	Euro notes start to circulate in Euro zone	Publish White Paper and establish Joint Committee	Green Paper consultation ends		
March	Chancellor repeats five tests	Joint Cttee takes evidence			
April	Referendum bill introduced				
May		Joint Cttee continues taking evidence		Election in Ireland	Local govt elections: London boroughs, mets, Eng districts and unitaries
June			Govt publishes White Paper. Regional chambers develop plans	NI Assembly elections	NI Assembly elections
July	Referendum bill passed	Joint Parly Cttee reports		Report of Sc Bound Commn	
October	Referendum held				<i>Euro referendum</i>
November	EMU change over bill introd	Draft bill published for stage two reform	Introduce referendums bill for regional assemblies		<i>Political parties (Candidate selection) bill introduced</i>

	Europe: Euro and IGC	Reform of House of Lords	Regional govt in England	Scotland, Wales and N Ireland	Elections, Referendums and voting reform
<b>2003</b>					
spring		Pre-legislative scrutiny of draft bill	Referendums bill passed		<i>Review established into voter attitudes to PR</i>
May				Scottish Parlt and Welsh Ass elections	Scottish Parlt and Welsh Ass elections. <i>?Deferred local govt elections in Sc &amp; Wales</i> Eng mets, districts and unitaries
July	Royal Assent for EMU bill (if easy passage)			Review set up in Wales into devoln settlement	<i>Political parties (Candidate selection) bill passed</i>
September			Referendums held in vanguard regions		<i>Referendums on regional assemblies in England</i>
November	Royal Assent for EMU bill (if spillover)	Bill introduced to implement stage two	Regional Assemblies bill introduced	?Bill to prevent reduction in size of Scottish Parlt	
<b>2004</b>					
January	Euro notes and coins introd into UK				<i>?Introd bill to authorise referendum on voting system</i>
May					Gter Lond Authority, Eng mets, districts and unitaries
June	?Next IGC	European Parliament elections			European Parliament
July			Regional Assemblies bill passed		
November	? Bill to approve EU treaty amendts for enlargement	Royal Assent for stage two bill		Review reports on devoln settlement in Wales	<i>Royal Assent for referendum bill on voting system</i>
<b>2005</b>					
January	Euro notes and coins introduced in UK			?Bill to prevent reduction in size of Scottish Parlt	
May	First likely date for next gen election	First elections to second chamber with local govt elections	First elections in vanguard regions		First likely date for next gen election. English counties and unitaries. <i>First elections to regional assemblies. First elections to second chamber.</i>
	Europe: Euro and IGC	Reform of House of Lords	Regional govt in England	Scotland, Wales and N	Elections, Referendums and

				<b>Ireland</b>	<b>voting reform</b>
<b>2005 (cont)</b>					
May					<i>?Referendum on voting system</i>
July			First regional assemblies take up their powers		
<b>2006</b>					
May	Last likely date for next gen election		Last likely date for next gen election		Last likely date for next gen election. London boroughs, Eng mets, districts and unitaries
June				NI Assembly elections	NI Assembly elections
November				Wales (Legislative Powers) Bill introduced	
<b>2007</b>					
May				Sc Parlt and Welsh Assembly elections [Sc Parlt reduced by 20+ members if no legislation to prevent this]	Sc Parlt and Welsh Assembly. English mets, districts and unitaries
July				Royal Assent for Wales Bill	
<b>2008</b>					
April				Welsh Assembly assumes new powers	
<b>2009</b>					
June		Second round of elections to new second chamber	Next round of elections for regions in second wave		<i>? Gen election. Eur Parlt. Second chamber. Regional assemblies.</i>

## **Interaction and potential conflict between the individual reforms**

This final section considers the feasibility of implementing a programme in the composite timetable set out in Table 6. We have chosen realistic timescales for the individual reforms (medium pace for the Euro and regional government, slow path for Lords reform and voting reform). Given political will, each reform on its own is achievable in that timescale. But are the reforms collectively achievable during Labour's second term? It is difficult amidst the detail of Table 6 to see where the pressure points lie. One way of testing for potential conflicts is to pull out the legislative programme; another is to look at the timetable for referendums; a third is to look once more at the electoral cycle.

### **The legislative programme for Labour's second term**

Standing back from the detail of Table 6, the constitutional items in the legislative programme for the second term would be phased as follows:

#### **First session 2001-2 (18 months)**

- European Communities (Amendment) Bill, to implement Treaty of Nice
- Euro referendum bill, to authorise holding of referendum in 2002

#### **Second session 2002-03**

- EMU entry and Euro changeover bill
- Regional government (Referendums) bill, to authorise first referendums in late 2003
- Political Parties (Candidate Selection) bill, to boost women's representation

#### **Third session 2003-04**

- Lords reform stage two bill, to provide for first elections in 2005, second in 2009
- Regional Assemblies bill, defining powers and functions of first regional assemblies in England
- ? Voting reform (Referendum) Bill

#### **Fourth session 2004-05**

- ? Scottish Parliament (Decoupling from Westminster constituencies) bill, to prevent downsizing of Scottish Parliament.

There are no serious conflicts here, in terms of congestion or overload on a single department or set of Ministers. The policy lead is likely to lie with six departments: FCO (Treaty of Nice); Treasury (EMU); DETR (regional government); Home Office (voting reform); Leader of the Lords (Lords reform); Scottish Secretary (size of Scottish Parliament). The constitutional legislation is phased over the course of the parliament, with adequate lead-in times, and no peaks in any one session. Depending on the rest of the government's commitments, this is a manageable legislative programme.

### ***Timetable for referendums***

Labour has three policies with a commitment to a referendum: the Euro, regional government in England, and voting reform. The main potential conflict is the conflict between the timing of the referendum on the Euro and that on the voting system, if the latter were fast tracked:

2002	May	<i>Referendum on voting system (fast track)</i>
	June	Referendum on Euro (fast track)
	Oct	Referendum on Euro (medium track)
2003	Sept	Referendums on regional assemblies in vanguard regions
2005	May	Referendum on voting system (slow track, if held to coincide with general election. Otherwise to be held in next Parliament).

So long as a clear run is left for the referendum on the Euro in 2002 (or at the latest summer 2003, on our slow timescale in Table 1) there is no conflict with the other referendums. This is achieved by not holding the referendum on the voting system until half way through the parliament or later.

A second issue worth raising is whether the government wants to continue to legislate separately for each referendum. The second term could see three separate bills passed to authorise the holding of referendums. Given the continuing pressures on the legislative programme, this is a waste of scarce legislative time. The government might want to consider preparing generic legislation early in the new parliament to authorise the holding of referendums, subject to safeguards to ensure proper parliamentary scrutiny of each referendum question. In future government and parliament will have the benefit of advice from the Electoral Commission on the 'intelligibility' of the referendum question.

### ***Timetable for electoral cycle***

This final table sets out the main elections, excluding local government; but inserting elections for the second chamber and regional assemblies in England.

2001	June	UK general election
2002	June	Northern Ireland Assembly
2003	May	Scottish Parliament, Welsh Assembly
2004	May	Greater London Authority
	June	European Parliament
2005	May	First likely date for next UK general election <i>First elections for Second chamber</i> <i>First elections for new regional assemblies</i>
2006	May	Last likely date for next UK general election.

No conflicts are disclosed here. If anything the reverse; by holding the first regional elections and second chamber elections at the same time as the May 2005 local government elections (and possible general election) turnout should be improved.



## **Joining up the constitutional reform programme**

This briefing has taken Labour's remaining commitments to constitutional reform, and examined how they might be implemented during a second term. It does not pretend there is a single right answer: the purpose of setting out the different possible timetables is to prompt people to start devising their own. At present very few people are doing this, especially within government. Huge amounts of time and energy are devoted by ministers and their advisers to forward planning in terms of media management; by comparison a much lower priority is given to forward planning of policy - to thinking about overall strategy, working through the timetable for implementation of individual policies, or even to planning and managing the legislative programme.

The briefing shows that Labour's remaining commitments can be delivered during a second term. We have chosen realistic timescales for each reform (medium or slow in each case), and checked the feasibility of the programme overall. The second stage of Lords reform, entry into EMU and regional government in England can all be delivered with proper organisation, leadership and political will (and in the case of the last two reforms, if the government's proposals are supported at referendum). Only a change in the voting system is left as a reform which seems unlikely to be achieved during a second term.

The main risks to delivery of the programme lie in lack of political will or poor organisation. The Constitution Unit and others have called for a more coherent approach to the constitutional reform programme. This briefing illustrates how to achieve one kind of coherence: how to try to ensure that the programme is properly planned in terms of its phasing and sequencing, that the timescales are realistic, and that one reform does not impede or clash with another. But the links between the individual reforms are substantive as well as logistical. Two examples will suffice. If elected members in the reformed second chamber are to represent the nations and regions, that needs to connect with the policy on devolution and regional government. And future devolution issues (reviewing the legislative framework for Wales; reducing the size of the Scottish Parliament; the funding formula for devolution and regional government) call for a joined up approach.

The government is ill equipped to make these connections. We suggested in our very first report that a Cabinet Office Minister should be given overall responsibility for planning the constitutional reform programme.<sup>27</sup> This can still be done while leaving the policy lead on individual reforms with the line departments. This briefing offers one more example of why, even with a scaled down programme, there is still a need to put a senior Minister in charge of planning and co-ordinating the government's remaining constitutional reforms.

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<sup>27</sup> *Delivering Constitutional Reform*, April 1996.