Constitution Unit
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In this edition

Scottish independence: the countdown

Since the Scottish government published its independence White Paper, _Scotland's Future_, people have begun to turn their attention the wide range of issues that will need to be negotiated if Scotland votes Yes. Less attention has been devoted to the timetable for those negotiations, which looks set to cause major headaches for both the Scottish and the UK governments.

The SNP White Paper proposes an 18-month timetable following a Yes vote in September 2014. This would lead to independence in March 2016, just before the next Scottish parliamentary elections in May 2016. For comparison, the Czech-Slovak divorce in 1991 took just six months after the decision to separate. It was made reality through 31 treaties and some 2,000 legal agreements, many of which were negotiated subsequently. At first glance 18 months therefore seems reasonable, assuming both parties negotiate in good faith and with a sense of urgency. To allow the negotiations to drag on for years would be debilitating for both countries, for their citizens and their businesses, as well as for international partners.

But there are two potential difficulties. The first is the UK general election in May 2015, right in the middle of the 18-month timetable. This creates a major hiatus. It means that the initial UK ministerial negotiating team represent a lame duck government with only six months left, reducing their authority. Negotiations will have to cease during the election campaign; and it is possible some of the issues being negotiated will be contested in the campaign. If there is a change of government in the UK in 2015, all the UK ministerial negotiating teams (finance, defence, energy etc.) will change. New ministers will need time to get up to speed, and may start to unpick what had been agreed so far.

The second difficulty is the need for legislation, at Westminster and in the Scottish Parliament, to give effect to independence. The legislation cannot be introduced until the negotiations have been concluded. Westminster will not tolerate a framework bill allowing the two governments to fill in the details.

Continued overleaf

The Constitution Unit

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Nor will it tolerate an urgent bill being rushed through under a guillotine. As a first class constitutional measure, it would have to take its committee stage on the floor of the House of Commons. Even if the government did manage to accelerate the bill's passage through the Commons, it would have no control over the timetable in the Lords which would want to allow plenty of time for a bill of such importance.

How long might the legislation take? There are few close analogies for a bill of such size and complexity. The Scotland Act 1998 took 11 months; but that was under favourable circumstances in the first session of a new government with a majority of 179. If there is a change of government in the UK in May 2015, the new government may not feel ready to introduce legislation immediately. Taking account of all these different factors, the earliest possible date for introducing a Scotland Independence Bill is likely to be autumn 2015. Given the reaction there is likely to be in both Houses at Westminster against Scottish independence, which will be expressed as hostility to the terms of independence, it will not have an easy passage. It would be a miracle if the bill were passed in six months to meet the SNP's target date of March 2016. If further time is needed, the SNP are likely to ask Westminster to postpone the May 2016 date for the next Scottish parliamentary elections, to fulfil their wish that the next elections should be the first of an independent Scotland.

The UK government will also be in difficulty if there is a change in 2015. One particular challenge will be if Scottish MPs hold the balance of power in the new parliament. That is most likely to happen if Labour is the largest party in the May 2015 elections, but depends on Scottish MPs to form a government (as happened in 1964 and 1974). On the SNP timetable, those Scottish MPs would be short-lived, due to leave Westminster in March 2016. If the removal of those MPs hindered the ability of the government to command the confidence of the House of Commons thereafter it would be a lame duck government from the start.

Formally there is an answer to what would happen should Scotland become independent in March 2016, provided by the Fixed Term Parliaments Act. Under that Act, if the government loses a formal no confidence motion, and no alternative government can be formed within 14 days, then fresh elections must be held. But that formal constitutional answer might not be a sufficient answer to the political difficulties facing the government from the outset.

We could have a 'temporary' or 'transitional' government for a period of time until Scotland formally leaves the union. Public sentiment in the rest of Britain is unlikely to be sympathetic to the idea that the Scots who are leaving the Union are 'imposing' a government on the rest of the UK (think of the headlines in the Sun and the Mail). Another twist is that the UK government negotiating the terms of Scottish independence would be responsible to a Westminster Parliament, which still contains Scottish MPs. The UK government should be negotiating on behalf of 'rUK', the rest of the UK after Scotland has departed.

But if Scottish MPs held the balance of power at Westminster, they might be able to ensure terms which were more favourable to Scotland. The Lords Constitution Committee has recommended that MPs for Scottish constituencies, including ministers, should not negotiate for rUK on the terms of independence, scrutinise the UK's negotiating team, nor ratify any resulting agreement.

For Ed Miliband being reliant on short-lived Scottish MPs to form his first government would be a nightmare scenario. He will be praying even harder than David Cameron for a No vote come September.

An earlier version of this article was published on the Constitution Unit Blog in January. Robert Hazell was interviewed by Andrew Neil for a BBC TV programme on Scottish independence, due to be broadcast in late June.

European elections: the rise of UKIP consolidated?

Results for the 2014 European Parliament elections were nothing short of historic with UKIP beating both Labour and the Conservatives to first place. This is the first time neither of the two major parties has taken the top spot since 1910. UKIP received 27.5% of the vote, an increase of nearly 11 percentage points. Labour was up 10% on 25.4% and the Conservatives down 4% at just under 24 per cent of the vote. The Green party edged out the Liberal Democrats for fourth place. The Lib Dems received less than 7% of the vote—a drop of 7% from 2009 – leaving the party with just one MEP. Turnout across EU member states is estimated at 43%, turnout in the UK was 36%.

Across Europe, the results showed nationalist and Eurosceptic parties increasing both vote share and number of seats. In France, the National Front took the top spot with 25% of the vote. Greece's far-right party, Golden Dawn, is set to have representation in the EU for the first time having won 10% of the vote. And in Denmark, the Danish People's Party came in first, taking an estimated 27% of the vote. Despite the significant swing to the right, it would be wrong however, to interpret the election results as 'anti-EU', however, as the majority of Europeans who cast ballots in 2014 did so for pro-European parties.

UKIP's performance in the Euros was not quite matched in the local elections. Despite picking up over 160 council seats in England, they still do not control a single council. The fallout from the 2014 elections for the three main parties has been prompt. Already there have been calls for some kind of pact with UKIP by some Conservatives, which has been rejected by David Cameron. Labour leader Ed Miliband has come under personal attack for a lacklustre campaign. There have also been calls for Nick Clegg to stand down as party leader, to make way for Vince Cable. Both Labour and the Conservatives have come out saying they have 'heard' voters and will 'heed' their messages. How long and to what extent the UKIP earthquake will last is now the question heading into the 2015 general election.

PARLIAMENT

A Lords reform finally happened: but who knew?

Almost 15 years after the 1999 House of Lords Act, the House of Lords Reform Act 2014 is due to come into force, having passed its Lords third reading on 13 May. This was the private member's bill (PMB), sponsored by Dan Byles in the Commons and David Steel in the Lords, and it represents a significant reform. Yet it has been agreed with virtually no public or media comment, thanks to the low-profile nature of the PMB process. Few outside groups engaged with it and no formal evidence was taken.

The Act does two things, both of which have long been called for. First, it provides that peers convicted in future of a 'serious criminal offence' (defined as being imprisoned for at least a year) can be permanently expelled. Second, it allows other members to depart permanently - either voluntarily by resigning or involuntarily because they fail to attend during an entire session (except in fairly limited circumstances).

The first provision, which brings the Lords roughly into line with the Commons, will be used rarely if at all. But the second has significant consequences. Until now, life peers have also been life members of the Lords. This has now ended (though departing peers will retain their life peerages). The intention is to allow elderly peers to retire with dignity, and there are hopes that this may help reduce the size of the chamber. However, until a formula is agreed between the parties for replacing departed peers, the numbers retiring will probably be small. Meanwhile the Unit's Meg Russell has expressed strong concerns that the reform could have unintended consequences, notably by turning the Lords into a training ground for the Commons. These issues were raised during the bill's Commons stages, but no safeguard has been added to prevent departing peers from running as MPs. The Act could thus, over time, significantly change the type of people appointed to the Lords. In a report in March, the Lords Constitution Committee sought assurances that ministers would legislate in future if this became a problem. Yet subsequent ministerial statements were pretty weak; at the Lords second reading Lord Hill simply suggested that 'were that to become a problem in the future, we would want to review the situation. There is always an option to legislate to sort it out, should that be necessary'.

The bill's supporters were keen not just to secure these reforms, but to prove that Lords reform can be advanced in small steps. The bill is a watershed in that regard, and attention now turns to what the next step(s) should be. An obvious, though contentious, contender is ending the hereditary by-elections. But the most urgent change - as recognised by the Commons Political and Constitutional Reform Committee - is regulating future appointments to guarantee fairness between the parties and limit the Prime Minister's patronage power. The passing of the Byles/Steel bill makes this significantly more important than before.

New select committees for the Lords

In March the House of Lords Liaison Committee reported on select committee activity (a now annual event, given the regular ad hoc sessional committees). For the session 2014-15, it recommended new ad hoc committees on affordable childcare, information communications technology (and its relation to competitiveness and skills), the Arctic, and post-legislative scrutiny of extradition legislation. These proposals were agreed on 27 March. Sessional committees in 2013-14 reported on UK 'soft power' in the world, personal service companies, the Olympic and Paralympic legacy, as well as post-legislative scrutiny on the Mental Capacity Act and Inquiries Act. Partly due to pressures of the chamber's growing size, the Lords Procedure Committee has separately proposed that peers' membership on permanent select committees should be capped at three successive sessions.

Labour parliamentary reform proposals

With a year until the general election, Labour is gradually unveiling more policies, including on parliamentary reform. In a major speech to the Electoral Reform Society on 6 May, Shadow Minister for Political and Constitutional Reform Stephen Twigg gave little detail on Lords reform, indicating that 'Labour is working through various ideas' but emphasising that the party 'is committed to a democratic second chamber', and will approach the question with 'radical zeal'. In the meantime, on 28 March, a working group of Labour peers published a detailed set of proposals of a more incremental variety. These included removing the remaining hereditary peers, introducing a retirement age of 80, capping the chamber's size at 450, making the Appointments Commission statutory, ensuring that all bills start in the Commons (thus ending the Lords' absolute veto), and ending the ceremonial wearing of robes. These are not official Labour policy, but offer indications of further possible small-scale reforms should more ambitious proposals fail (as they have repeatedly to date).

On 24 February, Shadow Leader of the House of Commons Angela Eagle gave a speech to Unlock Democracy focusing on Commons reform. She argued (erroneously perhaps, given the research conducted by both the Constitution Unit and others) that the chamber's 'effectiveness in scrutinising the executive has deteriorated' over the last 20 years. She made proposals for changes to the legislative process, including a new 'Whole House Scrutiny Stage'. This would allow questions to the minister for up to an hour, followed by debate, to take place before the committee stage. New evidence-taking would occur before this (to replace that in public bill committee), possibly involving select committees. These proposals clearly remain a work in progress, and if elected in 2015 Labour would presumably either need to negotiate with the Commons

Procedure Committee to refine them, or establish a new reform committee for the purpose. Notably, they differed a good deal from our own suggestions on public bill committee reform.

Prime Minister's Questions in the news

One of the biggest recent parliamentary reform stories in the news was sparked in February by a Hansard Society report on public attitudes to Prime Minister's Questions (PMQs). Unsurprisingly, focus groups found PMQs unedifying, while polling showed that few people thought MPs behaved professionally or that it was a reason to be proud of parliament. Partly in response, Speaker John Bercow wrote to the party leaders urging them to work through their whips to reduce 'orchestrated barracking' of their opponents. But these are old complaints and it is unclear what – if anything – will be done. It is interesting to note that a recent academic analysis of PMQs confirmed that it has become both more adversarial and more dominated by party leaders (at the expense of backbenchers) in the last 30 years.

Speaker's Commission on Digital Democracy and the Lords Digital Chamber

Both chambers of parliament have recently begun initiatives to make better use of digital technology. In November last year the Commons Speaker John Bercow announced the establishment of the Speaker's Commission on Digital Democracy, which will report early in 2015.

The commission's objective is to consider 'how parliamentary democracy in the United Kingdom can embrace the opportunities afforded by the digital world'. It has already begun taking evidence on two themes: first, law-making, for example how technology could enable citizens to contribute to the legislative process; and second, digital scrutiny of government. The commission will also take evidence on three further themes: representing the people, encouraging citizens to engage with democracy, and facilitating dialogue among citizens. Responses can be made by email (digitaldemocracy@parliament.uk) or through their web forum.

Separately, the House of Lords has launched the Lords Digital Chamber, which is intended to help the public to communicate directly with peers. The website aggregates social media content from members, parties and groups from the House of Lords, including from Twitter, Facebook, YouTube and blogs.

EXECUTIVE

Coalition in Year Five

As the 2010 parliament enters its final year there has been a flurry of reports reflecting on the final year of a fixed term parliament, lessons for future coalition governments, how to develop policies for the next parliament, and organising pre-election contacts for the opposition. Several of the reports traverse the same territory, and all recommend less ambiguity and clearer guidance, with consequent changes to the Cabinet Manual.

One of the widest ranging was the Lords Constitution Committee report *Constitutional Implications of Coalition Government*. On government formation, they recommend that civil service support and briefings should again be offered to parties involved in post-election negotiations; and that the Cabinet Manual should emphasise the expectation on the incumbent Prime Minister to remain in office until it is clear who can command confidence in the new parliament. Robert Hazell suggested using an investiture vote (as in Scotland and Wales) as a method to establish who can command confidence. However, the committee preferred to maintain the vote on the Queen's Speech as the traditional means of determining confidence in the new government.

The committee expressed concern about repeated breaches of collective responsibility under the coalition, and called on the PM and Deputy PM to set out rules clarifying when and how ministers can express differing views. They also called for new guidance for civil servants on how to support ministers from different parties in the run up to the election. For example, ministers should be able to commission confidential briefings for the purpose of developing policy for the next parliament, without those briefings being disclosed to ministers from their coalition partners. A fixed term parliament should avoid the need for a 'wash up' before the election (i.e. to rush through remaining bills, with opposition support but little or no scrutiny), so long as the government introduces legislation in good time in the final session.

The Political and Constitutional Reform Committee (chaired by Graham Allen MP) followed this with a report on the final year of a fixed term parliament. They recommended that this final year should be used to consider some of the long-term issues that will need to be addressed in the next parliament; that arrangements for pre-election contacts between the civil service and opposition should be formalised so that they begin automatically in the final year of a parliament; and that parties should work to develop a consensus on how party policy could be costed ahead of future general elections.

In May the Institute for Government published two reports expanding on these themes. Their report *Year Five: Whitehall and the Parties in the Final Year of the Coalition* addressed the tensions for the civil service in serving current ministers, looking ahead and preparing for a possible change of government. Due to the variation in practice across Whitehall and confusion amongst civil servants, it recommended that the PM and Deputy PM should agree and publish rules of the game for the final year, in particular about the rights of access for each party to support for the development of future policy. Whitehall should create separate confidential channels through which each party could access civil service support to help develop their post-2015 policy plans. Such requests would be clearly marked as relating to party policy development for the next term, and would be dealt with through a system separate to the normal provision of civil service advice to government. Parties should be able to request information on estimated costs, implementation challenges, delivery timetables and legal implications but officials should not offer advice or develop alternative policy options. Requests would be channelled through the Permanent Secretary's office, to ensure equality of access, and the confidentiality of requests and their responses.

The IfG's second report, on *Pre-Election Contact between the Civil Service and the Parties* addresses the question of how to ensure access for the opposition to help them develop policies for the next parliament. In an ideal world there would be a level playing field, with opposition parties enjoying similar access to a separate space for future policy development as the parties in government. This is what happened in Scotland in 2007, where the Labour/Lib Dem coalition agreed an integrated system for all opposition and governing parties to access civil service support on similar terms. This would be a leap too far for Whitehall, because there is not the same degree of trust between the coalition partners, nor the willingness to grant the same advantages to Labour as are enjoyed by the parties in government. In April the prime minister announced that pre-election contacts for the opposition could not commence until October, a period regarded by the IfG as far too short given that the parties will be out electioneering from February onwards. The IfG hopes that over time the two distinct systems, separate space for the opposition parties and pre-election contacts for the opposition, will begin to merge. However, Whitehall's preference for ambiguity and muddling through make that seem unlikely.

A common theme in both reports is that it is time to more formally recognise that the permanent civil service has a responsibility of stewardship to possible future governments as well as to the current one. This does not need to affect its loyalty to the government of the day, but it does require both an explicit defence of its impartiality and a clearer setting out of the pre-election guidelines.

Queen's Speech: what is left of the constitutional reform agenda?

In Monitor 49 we set out a table recording the coalition government's progress on its wide-ranging constitutional reform programme. There are two common myths about the government's constitutional reform agenda: that it is essentially a Liberal Democrat programme and, following on from this, that because of the failure of the AV referendum and of Lords reform the programme as a whole has failed. But as our analysis showed, the programme goes much further than this, with 16 other items. Of the 18 items listed in our table, 14 had been in the Conservative manifesto and only 9 in the Lib Dem manifesto.

As we enter the last year of the coalition parliament, where does the scorecard now stand? The government has delivered on 12 of the 18 items. Some would contest whether it has fully delivered: the referendums on elected mayors in 12 cities resulted in only one (Bristol) opting to have one; no action has resulted from the report of the Commission on a British Bill of Rights, nor on the West Lothian Question; and the Transparency of Lobbying Act has been widely criticised.

Some reforms are clearly dead. Following Clegg's withdrawal of support (in retaliation for Conservative rebellions on Lords reform), the House of Commons is not going to be reduced to 600 members. The government will not support 200 all postal primaries at the next election. Party funding is not going to be resolved, because of the asymmetry of interest between the parties and the unpopularity of increasing state funding in an age of austerity. That left only parliamentary privilege and the right of recall for MPs as candidates for legislation in the final session. The Parliamentary Joint Committee recommended against legislation on parliamentary privilege. A right of recall did feature, albeit a limited kind: the limitation being necessary to protect MPs against malicious or single-issue campaigns.

This is not to diminish the achievements of the government's constitutional reform programme. There have been big developments in devolution, with the Scotland Act 2012 conferring greater fiscal autonomy, the forthcoming Scottish independence referendum, the introduction of primary legislative powers in Wales and the two reports of the Silk Commission heralding further developments there. Fixed term parliaments have been introduced at Westminster, and the European Union Act 2011 has made future treaties subject to a referendum lock. In parliament, the Wright reforms have been implemented in full, with elections to select committees and the new Backbench Business Committee. E-petitions can now force issues onto parliament's agenda and there has been limited reform in the Lords, with the House of Lords (No 2) Act 2014 allowing peers to retire and providing stronger disciplinary powers. So looking back, Nick Clegg can still point to significant achievements, despite losing on his two flagship measures.

ELECTIONS AND POLITICAL PARTIES

Candidate selection for the 2015 general election

With less than a year left before the 2015 general election, candidate selection is well underway. As of May 2014, more than 700 prospective parliamentary candidates have been selected by the three main parties and a further 150 candidates have been selected by UKIP, Plaid Cymru and the Green Party. Labour has taken an early lead in selection with more than half of the 650 constituency seats declared. However, recent work by the Unit's new research team (parliamentarycandidates.org) notes a sizeable number of vacancies for the 100 most marginal constituencies with the Conservatives, Labour and Liberal Democrats having selected only 60% of candidates in the seats most likely to change hands.

The gender balance of candidates has already attracted much press and debate. As usual candidates are more likely to be male, but this is particularly true for the Conservatives and Liberal Democrats. Continued use of all-women shortlists has resulted in women representing over half of all Labour candidates. More controversial has been the de-selection of Conservative MP Anne McIntosh (Thirsk and Malton), ousted by a vote of the constituency association membership, and a handful of female Conservative MPs who have announced they will not be contesting the 2015 election (Laura Sandys, South Thanet; Lorraine Fullbrook, South Ribble).

Looking ahead, it will be worth keeping an eye on some of the most marginal constituencies including Ashfield, Warwickshire North, Sherwood, Hampstead & Kilburn, Solihull Swansea West and Thurrock. With recent polls showing the Conservatives pulling even with Labour, 2015 is shaping up to be one of the most compelling general elections in recent history

Individual electoral registration

The most significant change to the electoral system for over a century, the move to individual voter registration (IER), is to be introduced on a transitional basis from June. The timetable for implementation has been the topic of heated debate. Electoral Commission Chair, Jenny Watson, has repeatedly highlighted the challenges for bringing forward the final transition to December 2015. However, the latest evidence presented to the Political and Constitutional Reform Committee on readiness for IER suggested that the steps taken so far to reduce the risks of transition have been implemented without fundamental problems and on time.

Testing for the verification and online registration systems was successfully completed at the end of March, while the migration process was expected to be completed end of May. There is now a quarantine period in effect for those local authorities which failed to complete in time.

The data matching pilot programme was completed last autumn. The data collected showed that more than three quarters of existing electors are expected to be automatically transferred onto the new register, and that data matching with the use of local databases could lead to 6% increase in the matching rates locally. Electoral administrators will be provided with a template to identify the groups of voters who are least likely to be confirmed automatically and thus develop plans to specifically target those groups.

Other electoral initiatives

The move to IER hides a number of imminent risks. Of great concern for the government, political parties and organisations is the increasing number of unregistered voters. The data matching process showed that there should be approximately 10m existing electors who won't be automatically transferred. This is on top of the 6m unregistered voters mainly from underprivileged, unrepresented groups. Young adults, students, mobile populations and ethnic minorities are less likely to be confirmed and thus, automatically imported onto the new register.

Initiatives are being taken and suggestions are being made to maximise the levels of registration for those under-represented groups. Modernising the electoral system and giving people the opportunity to engage with it through reforms such as 'same-day registration', the ability to use any polling station in one's constituency, advance voting and even the radical option of 'e-voting' are among the options currently under consideration by the Electoral Commission. The Labour party is also setting out proposals including the introduction of votes at 16, the provision of registration drives in schools and universities and mechanisms for local data-matching to reach private-rented tenants. These proposals aim to locate the most disenfranchised groups, the younger and mobile voters, and safeguard greater levels of enfranchisement.

DEVOLUTION

Northern Ireland

At the end of April the long-time leader of the 'republican movement', Gerry Adams, was arrested in connection with the 1972 IRA murder of widowed mother-of-ten, Jean McConville. The incident nearly provoked the collapse of the devolved government and highlighted how inability to agree on Northern Ireland's troubled past was polarising its sectarian and paramilitary political elite today (as was discussed in the February Monitor).

Peter Robinson threatens to resign

Trouble had begun to brew in February when the Democratic Unionist Party First Minister, Peter Robinson, threatened to

resign following the collapse of the trial of John Downey, who was accused of involvement in the IRA bomb in Hyde Park in 1982. It emerged that Downey was one of hundreds of IRA 'on the runs' who had been given letters of comfort by the Northern Ireland Office indicating they were not being sought by the police.

Distributed under the Blair administration, these secret letters had followed the failure of the then-Northern Ireland secretary, Peter Hain, to secure parliamentary approval for such a measure in 2005. Sinn Féin had demanded them during the Belfast agreement of 1998, on the premise that the associated provision to release paramilitary prisoners should not leave IRA members who had not been imprisoned at a disadvantage. It subsequently emerged that 95 of the 228 individuals who received the letters were suspected of involvement in 295 murders. Robinson's resignation was only averted by a hasty announcement from David Cameron, who promised an inquiry into the row (though with no suggestion that any substantive change would follow).

Reactions to Adams' arrest

According to two former IRA colleagues, Adams ordered the murder of McConville. This very serious claim is frequently reasserted in the public arena without exciting any libel action. But with his arrest it was the turn of Sinn Féin Deputy First Minister Martin McGuinness—who dominated the IRA In Derry as Adams did in Belfast during 'the troubles'—to up the rhetorical ante.

McGuinness blamed 'dark forces' in the Police Service of Northern Ireland (and by implication the old Protestant Royal Ulster Constabulary rump). He also suggested Sinn Féin might review its support for the service, another product of the Belfast agreement.

This inevitably escalated the tension between the two nominal coalition partners. The DUP had only accepted the renewal of devolution in 2007—after a five-year hiatus occasioned by the discovery of an IRA spy-ring at Stormont—following the decommissioning of (most) IRA weapons and acceptance of the rule of law by Sinn Féin in a new ministerial Pledge of Office.

Facing the threat of a further collapse of devolution, which would have left the 'republican leadership' bereft of an argument against its 'dissident' critics, Sinn Féin rowed back from having cast doubt on its policing stance. But there was no doubting the visceral sectarian antagonisms once more on show.

The episode put Northern Ireland back in the world's headlines: 'Is Northern Ireland's peace on the rocks?' (Al Jazeera); 'Whatever happened to Northern Ireland's peace?' (Deutsche Welle); 'Uproar over Gerry Adams' arrest in Northern Ireland reveals fragility of peace' (Washington Post). The longstanding international groupthink that Northern Ireland was a 'done deal' had been shattered.

Wales

There have been two major constitutional issues in Wales since the New Year, both driven by the Commission on Devolution in Wales (also known as the Silk Commission): the Wales bill prepared by the UK government in response to the Commission's Part 1 report, and the publication of its Part 2 report.

Progress of the Wales bill

The draft Wales bill was published just before Christmas. During January and February, it was subject to consideration by the National Assembly, and formal pre-legislative scrutiny by the Commons Welsh Affairs Committee at Westminster. That scrutiny opened up major fissures in both Labour and Conservative parties – with Labour divided about reform of the Barnett formula before any referendum on income tax devolution, and the Tories disagreeing about whether the lockstep should be used to curb tax differentials between Wales and other parts of the UK (so that any changes to the basic rate of income tax must be reflected in similar changes to higher rates). The existence of the lockstep also led Leanne Wood, leader of Plaid Cymru, to announce that her party could not support the bill.

Despite this, the bill was introduced into parliament – with the lockstep in place, and some limited changes made following responses to the draft bill – at the end of April, and completed its Commons committee stage before parliament was prorogued in May. How the National Assembly will give its legislative consent to it, and when, remains unclear.

The Silk Commission's Part 2 report

Silk Part 2 addresses the question of 'further devolution' for Wales, and concludes the Silk Commission's work. It recommended further devolution in a number of areas, including of policing, aspects of youth justice and planning approval for many energy projects. It did not recommend establishment of a Welsh legal jurisdiction or devolution of the courts and the legal system. It also recommended a move to the 'reserved powers' model of devolution already in use in Scotland and Northern Ireland, and an increase in the size of the National Assembly from 60 members – though without specifying how large it should be. Although the report did not recommend devolution of any aspects of welfare, in subsequent evidence Paul Silk commended the work done by the IPPR's 'devo more' project proposing devolution of housing benefit and attendance allowance, and general powers for devolved governments to supplement UK-level welfare provision. However, it remains unclear how quickly there will be a UK government response to the report, let alone what that might contain. After taking more than a year to respond to the politically more straightforward Part 1 report, it is hard to detect much enthusiasm for Part 2 in Whitehall.

The Scottish referendum campaigns

The campaigns in the Scottish independence referendum are hard to assess. Shifts in the opinion polling have been limited, though the proportion of 'undecided' voters is slowly declining. (The best analysis is by John Curtice on his What Scotland Thinks blog). In reality, the campaign is largely being fought over the 'undecideds', although this is often obscured by the noise of the campaigns and headlines from day to day. Much also depends on likelihood to vote; the No side's lead narrows significantly when only those who actually intend to vote are taken into account.

Both sides claim to be reshaping the underlying ground of the campaign. The No side think they played their key card in the categorical rejection by the UK Government of a currency union between rUK and an independent Scotland in January. The Chancellor of the Exchequer's announcement was followed by statements of support by his Labour shadow and the Lib Dem Chief Secretary and a detailed analysis in one of the Scotland Analysis papers. This move has been dismissed as bluff and bluster by the Yes side, aided by an unknown UK minister who commented that 'there was a deal to be done' after a Yes vote. Polling suggests there is still a widespread belief that a currency union would happen, despite the UK's position and the evidence of how such a union would not be in rUK's interests.

On the Yes side, the strategy appears to rely heavily on grassroots activity and mobilisation. Reports suggest that the Yes side has made headway in convincing not just SNP supporters but voters for other parties, particularly Labour, to support independence. This success suggests there could be major realignment of Scottish party politics after the referendum, even – perhaps especially – if there is a No vote.

The unionist parties have been caught between trying to lay out the problems of independence and the difficulties an independent Scotland would be likely to face – dubbed Project Fear by the Yes side – and trying to be more positive. Being more positive itself involves two conflicting approaches: selling the advantages of the Union in a positive way (hard given the political complexions of the two governments, and Labour's opposition to UK government policies like welfare reform and the 'bedroom tax'), and a 'more devolution' approach that would correspond with what Scottish voters actually prefer. The much-heralded Labour Devolution Commission published its final report in March. Its main recommendation was to extend the Scottish rate of income tax from 10p to 15p, and permit the higher and additional rates of tax set by Holyrood to be increased. This was widely derided by the Yes side not as 'devo more' but 'devo nano'. The Conservatives' Devolution Commission, chaired by Lord Strathclyde, was expected to publish its report shortly after this edition went to press.

Role of the judiciary under a written constitution

In May the Commons Political and Constitutional Reform Committee published a report on the constitutional role of the judiciary if there were a codified constitution. This was part of the Committee's wider work on introducing a written constitution. The report concluded that there would be no need for a separate constitutional court. The committee suggested that when asked to rule on the validity of legislation, the judiciary could issue a 'declaration of unconstitutionality', similar to the power to make a declaration of incompatibility under the Human Rights Act. This would be less than a strike down power, and more in keeping with British constitutional norms of parliamentary sovereignty.

Future funding of the Courts Service

A year after the announcement of radical plans to privatise the Courts Service, or float it off to an independent public interest body, the reality has proved to be more prosaic: the continuation of the Courts Service as an agency of the Ministry of Justice, but with slightly increased funding. Plans to pursue privatisation were driven by the belief that there was no other way obtain the funding necessary for a radical reorganisation of the courts estate and IT system upgrades. However, in the event orthodoxy has prevailed.

The Courts Service will continue as an agency run as a partnership between the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals, under the existing 2011 Framework Document. But in a joint letter of 28 March they announced that the Treasury had agreed to additional investment averaging £75m p.a. over five years from 2015/16. This will enable greater digital working and speedier, more flexible processes, which should generate annual savings in excess of £100m p.a. by 2019/20.

HM Courts and Tribunals Service (HMCTS) will bring in commercial leadership and expertise, and establish a Programme Board to deliver the reforms. The joint letter hints at continuing struggles with the Treasury when it says 'It is our intention to try to secure for that Board the freedoms to carry out reform in a modern and business like manner'. But they have scored one important victory: the proceeds of capital disposals or income raised by HMCTS (e.g. through court fees) are to be reinvested into the courts and tribunals system.

Ombudsman reform

One way in which the courts could try to save money is by more disputes being channelled into Alternative Dispute Resolution (ADR), through mediation or referral to ombudsmen. But in both the public sector and private sector the multiplicity of ombudsmen has long been criticised as unnecessarily fragmented and complex. Two new initiatives could provide the opportunity for some rationalisation.

The first is the 2013 EU directive on Alternative Dispute Resolution, currently being consulted on by the Department of Business Innovation Skills. The directive requires government to ensure that an ADR scheme is available in all contractual disputes between a consumer and a business. To prevent the existing array of ombudsmen becoming even more complex, this could be a good moment to move towards greater harmonisation.

The second initiative relates to public sector ombudsmen. In its recent report, *The People's Ombudsman*, the Public Administration Select Committee made similar arguments about the need for harmonisation. PASC recommends a unified public services ombudsman for England, to whom complainants should have direct access (abolishing the 'MP filter'). The Cabinet Office have asked Robert Gordon, a former senior civil servant in Scotland, to report on options for reform of public sector ombudsman schemes in England. Scotland already has a unified Public Services Ombudsman.

Lord Thomas and Lord Neuberger's Speeches to JUSTICE

Addressing members of JUSTICE in March, Lord Chief Justice John Thomas delivered a plea for radical reforms in the wake of recent government proposals to cut legal aid funding. Accepting the realities of economic austerity, Lord Thomas urged members to acknowledge that the justice system was 'unprotected from retrenchment' and thus must be 'reshaped' in order to effectively administer justice at a cost that the government is 'prepared to fund'. Although not explicitly endorsing any particular option, the Lord Chief Justice outlined a variety of possible reforms, ranging from an inquisitorial system in family and civil law cases, to a simplification of complex fraud trials.

His views differed markedly from those of Supreme Court President Lord Neuberger, who, in a speech to Justice last October, launched a stronger critique of the government's plans. Lord Neuberger insisted that maintaining the rule of law was the most fundamental duty of government. In limiting the availability of legal aid, the state was depriving citizens of their ability to seek the 'protection of the court'. Indeed, Lord Neuberger recommended only 'thoughtful and cautious' reforms to reduce the costs of legal services, and called upon parliament to show increased vigilance in scrutinising any future proposals that sought to cut legal services.

JUSTICE has recently set up a working party on Justice and Austerity, chaired by former Court of Appeal judge Sir Stanley Burnton, and supported by former Constitution Unit intern Ruchi Parekh.

EUROPE

Institutional changes in the European elections

On 25 May 2014, 751 Members of the European Parliament were elected from the 28 member states of European Union over a four-day election period. British voters had the chance to elect 73 of them on 22 May – the third highest proportion of members after Germany and France.

These elections were the first to follow the procedures laid out in the 2009 Lisbon Treaty. Perhaps most significantly, this will be the first time that the election of political parties will directly influence the nomination and election of the EU Commission President. Article 17.7 of the Treaty forces the European Council to 'take into account the results of the European Parliament elections' when proposing a candidate for Commission President. The five largest European parties (European People's Party, Party of European Socialists, Alliance of Liberals and Democrats for Europe, Greens and European Left) each put forward a candidate for the post before the election, hoping at the same time this would render the elections more appealing to voters.

This move comes after reports from the Commission and Parliament presented this as a way of increasing the EU's democratic legitimacy and transparency. Nevertheless, most commentators agree that this could instead undermine the EU's democratic legitimacy if the European Council decides not to put forward one of the parties' candidates for the post, despite the fact it is under no legal obligation to do so.

The Lisbon treaty, as long as the European Council does not object to it, also provides for a reduction in the number of commissioners. This is a change many had been calling for due to the current confusion in the distribution of competences between the 28 commissioners.

EU Referendum Bill

As predicted, James Wharton's private member's bill to hold an in/out referendum on EU membership failed at the committee stage in the House of Lords as peers voted 180 to 130 to end the debate. This contrasted starkly to its passage through the Commons, where large majorities repeatedly voted in favour. However, it is notable that regardless of the vote, the deluge of amendments produced to derail the bill (three of which were passed) had already made it impossible for it to return to the Commons by the final day set aside for private member's bills.

David Cameron responded by [restating his support](#) for the re-introduction of the bill and said he would invoke the Parliament Act if necessary. He also emphasised that the referendum was not dependent on a private member's bill, but rather the Conservatives re-election in 2015. He repeated his pledge to hold a referendum by 2017 and stated this would be a condition of any future coalition partnership. This pledge, like the bill, has been [met with criticism](#). The proposed timetable greatly underestimates the time needed for negotiations, sparking fears that a referendum in 2017 would likely lead to Britain leaving the EU.

Labour's new policy on the EU

On 12 March Ed Miliband unveiled Labour's policy on Europe in a speech at the London Business School. The Labour leader stated that he would legislate for a lock that guarantees 'no transfer of powers without an in/out referendum about whether Britain stays in the EU'. However, he said it was 'unlikely' there would be a proposal for power transfer in the next parliament and that he wanted Britain to remain part of the EU.

Miliband also outlined his belief that collective reform of the EU in terms of accountability, economic reform and immigration is fundamental for its survival and efficacy. As part of this, he proposed changes to benefit claims and transitional controls to restrict free movement of workers from new accession states.

The coalition has already ensured under the EU Act 2011 that any future transfer of power must be subject to a referendum. Labour's policy goes a step further and guarantees that any transfer of power would trigger an in/out referendum. This is similar to the 2010 Liberal Democrat manifesto commitment. On the other side of the debate, David Cameron remains committed to a straight in/out referendum in 2017 if he wins a majority in 2015.

House of Lords European Union Committee report on 'The role of national parliaments in the EU'

Amid concerns of the growing democratic deficit at the heart of the EU (see, for example, The Electoral Reform Society's *Close the Gap* [report](#)) many commentators have called upon national parliaments to assume a greater role in fostering democratic accountability and engagement between citizens and EU institutions. Within this context, the House of Lords [European Union Committee report](#), titled *The Role of National Parliaments in the European Union*, has suggested a range of 'practical options' designed to strengthen the involvement of national parliaments in the 'formulation and implementation' of EU policies.

This is to be achieved by enhancing parliaments' ability to 'effectively scrutinise' their governments' EU-related actions; increasing parliamentary dialogue and engagement with EU institutions and policy; expanding the scope and effects of the

reasoned opinion procedure; facilitating greater contact and cooperation between national parliaments; and strengthening parliaments' powers of oversight in economic and monetary matters. Rather than seeking these improvements through treaty change, the report suggests that changes should be secured through the autonomous and collective will of local parliamentarians and governments. With over 74% of Britons reporting feeling 'voiceless' within the EU structure, the hope is that these recommendations will help address the significant gaps in the democratic legitimacy of EU institutions.

INTERNATIONAL

Ukraine's presidential election and the secession of Crimea

The presidential election held in Ukraine on 25 May was won outright by the oligarch Petro Poroshenko. The absolute majority he needed to win after the first round was hailed as a sign of a return to political stability. [OSCE](#) and [NATO](#) international election observers were quick to congratulate Ukrainians on the high turnout and transparency of the elections. Poroshenko has promised to restore his country's relationship with Russia while deepening its cooperation with the EU and has pledged to provide the east of the country with more independence.

However, keeping Ukraine together is likely to prove challenging. On 16 March 2014 Crimean citizens voted to secede from Ukraine, despite constitutional restrictions. The text of [Article 134](#) of the Ukrainian constitution refers to Crimea as an 'inseparable constituent part of Ukraine', and [Article 73](#) states that '[i]ssues of altering the territory of Ukraine are resolved exclusively by an All-Ukrainian referendum'. The referendum was [condemned as illegal](#) by the Western powers and Poroshenko has vowed [never to recognise it](#). Nonetheless, with the help of Russia and the precedent set by Kosovo, Crimea appears to be taking steps to re-join the Russian federation.

Much has been said about international reaction to the referendum, its legality, and steps forward; too much to discuss here (for a summary, see the [Monkey Cage's](#) coverage). Instead, let us focus on the rarity of what has happened in Ukraine. Over the last 200 years, the vast majority of constitutions have been silent on the issue of secession (~75%). Of the remaining constitutions, 20% (132) are like Ukraine and specifically prohibit secession of at least some of their territory. Only 5% (30) explicitly allow secession.

Two things are notable here. First, data from [Roeder](#) shows that, from 1901–2000, there were no secessions in states like Ukraine that constitutionally prohibited secession. In other words, Ukraine might be the first country where a domestic constitutional ban on secession is violated. Second, there

are 19 instances of secession in countries where secession is explicitly allowed by the constitution; 15 of these were secessions from Russia and 3 were secessions from the former Yugoslavia. So, aside from any international precedents on the issue of secession, Eastern Europe has a long tradition of supporting secession.

Changing Japan's amendment procedure

The Japanese constitution, promulgated in 1946, is the longest surviving constitution without an amendment. At the age of 68, it has never been amended. However, if the current Prime Minister Shinzo Abe has his way, that will soon change. Abe has been seeking to amend Article 96, which defines the rules for amending the constitution, in an effort to make future adjustments easier. Currently, Article 96 requires amendments to be passed by two-thirds of both houses of the Diet and by a majority of the people in a referendum. Abe's proposal would reduce the threshold in the Diet to a simple majority. This would allow the amendments proposed by his LDP government in 2012, including amendments to the controversial renunciation of war clause in Article 9, to be considered under a less strenuous amendment procedure.

Abe took the first steps to introduce the changes during his previous stint as Prime Minister by enacting the Act on Procedures for Amendment of the Constitution in 2007. On 10 May 2014 the lower house of the Diet approved a revision to this bill, lowering the voting age in any constitutional referendum from 20 to 18. The upper house passed the revision on 11 May 2014. In the meantime, an advisory panel to Abe has proposed that, rather than attempting to amend the constitution, Article 9 should simply be reinterpreted. The New Komeito, Abe's minority coalition partner, seems to support reinterpretation over formal amendment, so for now the Japanese constitution could remain unamended. However, reinterpretation might make Article 9 easier to amend in the future, in an effort to align the constitution with its interpretation.

Electoral and constitutional reform in Italy

In February Matteo Renzi became Prime Minster of Italy, following the resignation of Enrico Letta. He set out ambitious plans for electoral and constitutional reforms and there was hope that the grand coalition backing Renzi and the dire state of Italy's public finances will finally give politicians the resolve to adopt much needed changes (for background, see here). However, Renzi quickly ran into opposition and by the end of March he was threatening to resign if the reforms were not approved.

Renzi is championing two sets of reforms. The first relate to the election of the Chamber of Deputies. The proposed law would set higher thresholds for excluding parties and establish a two-round system to ensure one party (or coalition of parties) received at least 55% of the seats. The second, and more controversial reforms, are to the constitution. Renzi has vowed

to amend the constitution to shift power from the Senate to the Chamber of Deputies. The proposed amendments would change the Senate's composition and end its role in selecting and removing the Prime Minister, making governments significantly more stable.

Neither set of reforms will pass easily, given Italians' conservative attitudes towards constitutional change, but Renzi is probably better off focusing on the electoral reforms, which were passed by the Chamber of Deputies on 12 March. As the Monitor went to press, Renzi was facing a revolt within his own party as 13 senators 'suspended themselves' in protest over the planned Senate changes. Without their support it is unlikely that he will win the Senate majority that would be required to push through the legislation.

Change to Canadian Senate unlikely

The Canadian Supreme Court recently rejected Prime Minister Stephen Harper's suggestion that parliament could act alone to reform the Senate. The Canadian Senate is appointed in a similar way to the House of Lords in the UK, by the Governor General on the recommendation of the Prime Minister. Once appointed, Senators remain in office until the age of 75. One key difference from the House of Lords is that only a certain number of Senators can be selected from each province, which limits the size of the Senate to around 100.

The Harper government asked the court five questions about the constitutionality of making changes such as limiting the length of Senators terms to around 10 years, allowing the Prime Minister to select Senators through 'consultative elections' in the provinces (of the kind that have been used several times in the province of Alberta) or even the abolition of the Senate. The Harper government argued that Article 44 of the Constitution Act (1982) gives parliament the power to make such changes. However, the court ruled that the operable provision is Article 42, which requires both parliamentary approval and the approval of at least two-thirds of the provincial assemblies representing at least 50% of the Canadian population. The ruling blocks the Harper government's plans for Senate reform because there is insufficient support for such reform in the provincial assemblies.

200th anniversary of the Norwegian Constitution

A significant milestone in Norway's history was reached on 17 May when the Norwegian constitution celebrated its bicentenary. Norway's constitution is only the second national constitution to last 200 years (the first being the US constitution, which turned 225 this year). In accordance with data collected by the Comparative Constitutions Project, of which the Unit's James Melton is a Principal Investigator, the expected lifespan of a constitution is only 19 years. For a constitution to reach 100 is a rarity, with only 1.5% of national constitutions surviving to this age. To endure for 200 years is therefore a momentous achievement.

The longevity of Norway's constitution is perhaps attributable to its flexible nature. Norway has a long history of amending its constitution in order to adapt to modern ideals, with a total of 316 formal amendments having been made over its 200 year lifespan. The amendment procedure has enabled the constitution to negotiate such events as a separation from Sweden, transformation from constitutional monarchy to parliamentarianism, and expansion of the franchise. In recognising its constitution as a flexible framework to be amended continuously in response to societal pressures, Norway has successfully fostered conditions conducive to its constitution's survival.

Zambia's draft constitution

Prior to gaining office, Zambian President Michael Sata was a vocal advocate of a new constitution for his country. He openly criticised the existing constitution, suggesting it was incompatible with multi-party democracy, and made campaign promises to enact a new constitution delivered through public consultation and popular referendum. On being appointed President in 2011, it initially appeared that Sata was working to deliver his promises. His government initiated a constitutional review process and commissioned a drafting committee, the Technical Committee Drafting the Zambian Constitution (TCDZC), comprised of lawyers, government officials, academics and civil society organisations.

In April 2012 the TCDZC released their first draft of the constitution for public consultation. The wheels appeared to be in motion for a democratic process towards a new constitution. Following the consultation process the text was revised, with a final draft ready for release October 2013. At this point the process took a troubling turn. The Ministry of Justice ordered the TCDZC to deliver the final draft to the President only, forbidding its release to the public. This instruction violated the Committee's terms of reference, which mandated that it should make a full public disclosure of the outcomes of the consultation and circulate the final constitutional draft to the public and the President simultaneously.

More than 6 months on, an official release of the final draft is yet to be delivered to the people of Zambia. In contrast to his election promises, Sata has announced that Zambia has a functioning constitution and is in no hurry for a new one. This comes amidst speculation that certain articles thought to be contained in the new draft may pose a threat to the legitimacy of his rule. It is expected to include provision for presidential candidates to achieve 50%+1 vote in order to take office. President Sata was elected with just 43% of the popular vote. An upper age limit for presidential candidates of 75 has also been predicted – Sata is currently 76.

Constitution building grounded in public consultation and validated by popular referendum has become the norm expected by democratic societies. Yet as the Zambian example illustrates, political leaders may be supportive of such a process until it proves to be potentially threatening to their handle on power. Recent events in Fiji tell a similar story: the Fijian prime minister established an independent commission to undertake a public consultation and draft a new constitutional text. Unhappy about provisions to reduce the powers of the armed forces, the Prime Minister and his military-led government rejected the draft, instead opting to write and enforce their own constitution. The outcome of the Zambian situation is yet to be seen, but the President's actions have been widely condemned. Opposition parties, NGOs and the TCDZC itself are making increasing demands for Sata to uphold his election promises. Such opposition is being met by a President-led police crackdown on dissent, leaving the future of democracy in Zambia hanging precariously in the balance.

People on the move

Mark Sweeney became Director of the Constitution Directorate in Cabinet Office in January, in succession to **Ciaran Martin**. Under him, **Colin Dingwall** is in charge of the Electoral Registration Transformation Programme (ERTP); **Alex Thomas** heads the Elections and Parliament Division; and **Annabel Turpie** is in charge of the Scotland Team and Devolution Strategy.

Sir Alan Moses resigned from the Court of Appeal in May to become the first chairman of the Independent Press Standards Organisation, the successor body to the Press Complaints Commission. **Baroness Jay**, **Lord Irvine** and **Lord Hart** all stepped down from the Lords Constitution Committee in May. **Sir Robert Rogers** is to retire as Clerk of the House of Commons in August and **Nat le Roux** stepped down as Director of the Constitution Society, to be succeeded by **Dr Andrew Blick**.

Rhodri Walters has retired as Reading Clerk in the House of Lords, to be replaced by **Simon Burton**, who in turn has been succeeded as Clerk of Legislation by **Jake Vaughan**. Following the latter's departure the new Clerk of the Lords EU Committee is Christopher Johnson. **Professor Matt Flinders**, of Sheffield University, has been appointed the new Political Studies Association Chair.

Constitution Unit news

Special Advisers Handbook

In March we published *Being a Special Adviser*, the latest product of our Special Advisers project. Compiled by Hilary Jackson, it is full of useful advice and practical tips, with the core being a series of hard hitting contributions by eight special advisers on how to make the most of the Whitehall machine without being ground down by it. We produced the handbook in response to a common complaint from all the Special Advisers we interviewed that they have no induction or training, and are simply thrown in to sink or swim. Hilary Jackson and

David Laughrin are now preparing a wider range of resource materials for Special Advisers which can be used in training programmes, and which can also be accessed online.

On 28 March the Handbook was launched at a seminar at the Institute for Government, which also launched the IfG's publication In *Defence of Special Advisers*, by David Willett's former Special Adviser Nick Hillman.

Report on financial privilege

In March, the Unit also published *Demystifying Financial Privilege*, a report by Meg Russell and Daniel Gover. In situations where the Lords pass a legislative amendment that has tax or spending implications, MPs may reject it on the basis of their 'financial privilege'. Convention suggests that the Lords should not then insist on its proposal. The practice became particularly controversial in 2012, when financial privilege was invoked to overturn defeats inflicted by the Lords to the Welfare Reform Bill (including on the benefits cap and so-called 'bedroom tax'). The episode led to widespread confusion, including complaints that the process had been abused by the government for political gain.

Our report is based around interviews with key actors and a detailed examination of how financial privilege has operated in practice between 1974 and 2013. As well as clarifying the process, it makes a number of recommendations for reform, including that the Commons should publish a clear and public definition outlining the extent of financial privilege. Speaking at the report's launch in the House of Lords, respected Crossbencher Lord Pannick commented that 'the Constitution Unit, Meg Russell and Daniel Gover have done a very great service in identifying the principles of financial privilege'. He added: 'I hope the report will encourage the Commons' authorities to look again at their procedures. At the moment, the procedures are indefensible'.

New features on Constitute

The Constitute site was updated in early April. The new version of the site includes several additional features. Most importantly, the site now supports deep linking. It is now possible to link directly to provisions within constitutions. For example, the following link will take you to the text of the First Amendment to the United States Constitution: **https://www.constituteproject.org/constitution/United_States_of_America_1992#131**. One can also link to the content of entire constitutions, search results, etc. To do so, simply click the share icon and copy the displayed URL to your clipboard for pasting. Another new feature is the ability to view the provisions from searches in the context of the whole constitution. Just perform a search, expand the provision you want to view, and click the reference information at the top of the card to view the text in context. A third new feature is the ability to export pinned content to Google Docs, where that content can be edited and reformatted to better suit users' needs.

New data from the Comparative Constitutions Project

The Comparative Constitutions Project (CCP) released two new data sets in April – available for download here. The first data set is an update to the CCP's Chronology of Constitutional Events. In addition to making a number of minor changes to previously released chronology data, the CCP added constitutional events that occurred from 2007 to 2013. The second data set is a major expansion of the CCP's data on the Characteristics of National Constitutions. The original release of these data (version 1.0) included only the contents of each constitution in force in 2006. The expanded data (version 2.0) contains all of the 'cleaned' data available from the project. This includes data from more than 8,000 country-years and for 1,258 variables.

Staff updates

Farewell to Patrick O'Brien
For the last three years Patrick O'Brien has been the mainstay of our AHRC funded project on the Politics of Judicial Independence, which ends this month. He has been the organiser of the very successful series of practitioner seminars which have run throughout the project, bringing together senior judges, ministers, parliamentarians and officials. He also helped to organise the project's closing event, a residential conference at St George's House in Windsor Castle attended by the Chief Justices of England and Wales, Scotland and Northern Ireland. Patrick is co-author of the book which is the main output of the project, to be published next year by CUP. He is now working with Robert Hazell on a pair of articles on the judiciary and parliamentary select committees. We wish him all the best in his future career.

Welcome to Sonali Campion
In April, Sonali Campion joined the Unit as Editor of the Monitor and the Constitution Unit Blog. She holds a BA in Modern History from Oxford and is currently studying part-time for an MSc in Comparative Politics at the London School of Economics.

Interns
The Unit is grateful for the hard work and diligence of our interns. Thanks to the Spring 2014 interns Ed Lucas, Malcolm Smith and Federica Izzo; and to the current cohort: Annabelle Huet, Sangida Khan, Peter Malynn and Nitish Verma.

Bulletin Board

Unit events

To sign up to our events, visit the Constitution Unit event page. Seminars are free and open to all. They are held in the Council Room, Rubin Building, 29-30 Tavistock Sq.

Succession to the Crown: foiled by Canada?
Professor Anne Twomey, Sydney University
18 September 2014, 6pm

These seminars are funded by the family of Barbara Farbey, late of UCL, who greatly enjoyed them.

Watch our previous events online on our *Vimeo page*

Unit in the media

- Meg Russell commented on succession of aspiring political offspring (*The Guardian* 24 Jan)

- Robert Hazell commented on the future of Scottish MPs should Scotland vote Yes to independence (*BBC News* 6 Feb)

- Meg Russell was quoted in Marc D'arcy article on House of Lords Reform (*BBC News* 25 Feb)

- Meg Russell appeared on Today in Parliament to discuss House of Lords' impact on legislation (*BBC Radio 4*, 14 Mar)

- Leanne Wood seminar at the Unit covered by *The Guardian* (*The Guardian* 11 June 2014)

Unit publications

SPADs Handbook *Being a Special Adviser* view PDF

Demystifying financial privilege: Does the Commons' claim of financial primacy on Lords amendments need reform? view PDF

The Content of Authoritarian Constitutions with Zachary Elkins and Tom Ginsburg view PDF

Meg Russell reviews 100 years of Lords Reform in Political Quarterly view PDF (p.103)

Meg Russell 'The British House of Lords' in Okada, N. (ed.), Comparative Study on Bicameralism: The UK, France, Germany, Italy, and Japan. Tokyo: Nippon-Hyoronsha.

Publications to note

Alan Renwick *After the Referendum: Options for a Constitutional Convention* (The Constitution Society, 2014)

Audit of Political Engagement 1. *The 2014 Report: with a focus on the accountability and conduct of MPs* (Hansard Society, 2014) view PDF

Tuned in or Turned off? Public attitudes to Prime Minister's Questions (Hansard Society, 2014) view PDF

Alexander Horne *Is there a case for greater legislative involvement in the judicial appointments process?* (Study of Parliament Group, 2014) view PDF

Size Matters: Making the National Assembly more effective (Electoral Reform Society) view PDF

Close the Gap: Tackling Europe's Democratic Deficit (Electoral Reform Society) view PDF

Michael J Phillips *History of Elections to the House of Lords in the United Kingdom from 1707 to the 2010 General Election* (The Edwin Mellen Press, 2013)