



On the brink

With a general election scheduled for 12 December, the UK could be at a crucial turning point. Or, of course, not: with the polls uncertain, another hung parliament is a real possibility. The UK appeared closer to agreeing terms for leaving the EU in late October than previously, after Prime Minister Boris Johnson negotiated a revised deal (see page 3) and the House of Commons [backed his Withdrawal Agreement Bill](#) at second reading (see page 5). But when MPs refused to accept Johnson's demand that they [rush the legislation through in three days](#), he refused to accord them more time, and demanded – as he had twice in September – a general election. A further extension of the Article 50 period – which Johnson had previously suggested he would rather '[die in a ditch](#)' than allow – was [agreed](#) on 28 October – just three days before the 31 October deadline.

In this edition

Brexit	3–6
Parliament	6–10
Elections, referendums and democratic engagement	10–13
Executive	13
Courts and the judiciary	14
Monarchy, church and state	14–15
Parties and politicians	15
Nations and regions	15–18
International	18–19
People on the move	19–20
Constitution Unit news	20–22
Bulletin Board	22–25

That being in place, Labour reluctantly agreed to an election (see page 6), which it is fighting on a pledge to [hold another Brexit referendum](#). The Liberal Democrats [want to revoke Article 50](#) in the unlikely event that they secure a majority, or otherwise hold a referendum.

In recent months much in British politics has already felt close to breaking point. While Theresa May fared badly in navigating parliament as the leader of a minority government (only in the final stages seeking agreement with other parties), Johnson seems actively to have sought confrontation with parliament. This is, to say the least, an unorthodox strategy in a system where the government depends on the Commons' confidence to survive. It is [the very reverse](#) of what would normally be expected under a minority government. Such an approach lasted, at least briefly, due to MPs' fears of triggering a vote of no-confidence – which might have [delivered Labour's Jeremy Corbyn](#) to Downing Street, or indeed [allowed Johnson](#) to 'crash' the UK out of the EU on a 'no deal' basis. There were even suggestions that he would refuse to resign, and '[dare](#)' the Queen to [sack him](#) (see page 15), if parliament sought to put an alternative prime minister in his place.

Image above: [Boris Johnson faces off against Jeremy Corbyn in the Commons](#) (CC BY-NC 2.0) by [UK Parliament](#)



In his short time in office, Johnson has faced very limited parliamentary scrutiny, including just three sessions of Prime Minister's Questions. He made and cancelled no fewer than three arrangements to appear before the Commons Liaison Committee, much to the [frustration of its chair](#). Most controversially, of course, he sought to prorogue parliament for five weeks – an action ruled unlawful by the Supreme Court (see page 14). Despite the ruling, scrutiny was curtailed by the summer recess, the time lost due to this 'prorogation that wasn't', plus a further short prorogation to facilitate a Queen's Speech ([described as a 'sham'](#) by the Unit's Robert Hazell, given Johnson's evident desire for an election). The prorogation, and loose talk about refusing to resign, have left many people alarmed that a constitution heavily dependent on convention has [suddenly appeared fragile](#), when faced with players who show little regard for unwritten rules.

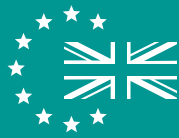
Parliamentary conventions have also come under pressure. A repeat of MPs 'seizing the agenda' resulted in the so-called 'Benn Act', which forced Johnson to seek the Article 50 extension (see page 5). Facilitating this was one of the last actions of Speaker Bercow, who retired on 31 October (see page 7), and whose legacy will be contested. The future of the Union looks uncertain too, with Scottish First Minister Nicola Sturgeon [telling October's SNP conference](#) that an independence referendum 'must happen' in 2020 (see page 17). The chances of a so-called 'border poll' in Northern Ireland in the coming years are also rising (see page 16), and the Unit has launched a [Working Group on Unification Referendums on the Island of Ireland](#) to examine what might be involved (see page 20).

Conflict over Brexit has continued to exacerbate tensions within the political parties – particularly in the Conservatives under Johnson. [Several quit the Cabinet](#) on his election as leader, unwilling to serve in his administration. Some of these were among the 21 MPs he stripped of the whip over votes on the Benn Bill. By the time parliament was dissolved, five former Conservative MPs (including former leadership contender [Sam Gyimah](#)), and three from Labour, had defected to the Liberal Democrats. Five MPs were sitting for the Independent Group for Change and 24 others as independents (of whom 12 were elected in 2017 for the Conservatives and 10 for Labour). Most of the former Conservatives, including [Oliver Letwin](#) and [former Chancellor Philip Hammond](#), have decided not to contest the coming election.

Key Brexit protagonist Dominic Grieve [has taken a different path](#); both he and [Anne Milton](#) will stand as independent candidates. Meanwhile former leadership candidate and Cabinet member [Rory Stewart](#) intends to run as an independent for London mayor. Numerous other Conservative moderates are standing down, including Theresa May's de facto deputy, [David Lidington](#). Some Brexit-supporting Labour MPs are also departing, as is – to the surprise of some – [Deputy Leader Tom Watson](#). This means that the new House of Commons may [look and feel very different](#) from its predecessor. A [serious concern](#) has been the number of MPs stepping down in response to the abuse that they have received – [particularly women](#).

This last point connects to the tone of the campaign. It has been a deeply regrettable characteristic of the Johnson administration that a '[parliament versus people](#)' rhetoric has been allowed to flourish. This narrative has been propagated by the [Prime Minister](#) himself, and other [senior ministers](#), as well as by the now notorious '[Downing Street source](#)', commonly assumed to be former Vote Leave director Dominic Cummings (who, prior to being appointed by Johnson, had been ruled [in contempt of parliament](#) for refusing to appear before a select committee). Not only is this ironic, as [some key figures have pointed out](#), since Johnson was among those who delayed Brexit by voting against Theresa May's deal, it is also potentially corrosive to public trust in democracy. Parliament sits at the heart of the UK system, and cannot properly function without public support.

There are other reasons to be concerned about the conduct of the election. Numerous detailed reports – including, over recent months, from the [Electoral Commission](#), [Association of Electoral Administrators](#), and Commons [Public Administration and Constitutional Affairs Committee](#) – have argued that our electoral laws are no longer fit for purpose and urgently need updating, particularly in regard to digital campaigning (see page 10). But government, despite [warm words](#), is yet to act. Tech companies such as [Facebook](#) and [Twitter](#) have introduced policies that partially fill the void, but acknowledge themselves that legislative solutions are needed. Journalists and fact-checkers will have a vital role in identifying and exposing mischief during the campaign. Once the election is over, a thorough overhaul of the electoral rules may be just one of the key steps needed to rebuild trust in our democracy.



EU-UK negotiations

In the end, it all happened quite quickly. A [bilateral meeting](#) between Prime Minister Boris Johnson and Taoiseach Leo Varadkar on 10 October facilitated a grand compromise, enabling UK and EU negotiators to achieve what many believed impossible: a revised [Withdrawal Agreement and Political Declaration](#).



[Donald Tusk, President of the European Council, and Boris Johnson](#)
(CC BY-NC-ND 2.0) by [UK Prime Minister](#).

The new version is very similar to the deal negotiated last November, but the backstop has been replaced. Under the [new protocol](#), while Northern Ireland legally remains part of the UK's customs territory, in practice it will operate according to the rules and regulations of the EU's single market and customs union. A highly complex bureaucratic system will be required to manage this, governed by a joint UK-EU committee, which must agree any exemptions and derogations by consensus: in essence this gives the EU a veto.

A [consent mechanism](#) has been agreed: this provides that four years after the end of the transition period, the UK must provide the Northern Ireland Assembly (which continues not to sit, see page 16) with the opportunity to consent to the trade elements of the protocol, although the details of how this will operate are largely left for the UK to determine. The original UK proposals gave the DUP an effective veto due to cross-community voting requirements. This has been replaced by a system that

allows for cross-community approval, but requires only a simple majority. A simple majority decision is valid for four years, whereas a cross-community one would have effect for as long as eight. This was done to satisfy concerns in Brussels and Dublin around the introduction of a time limit by ensuring no single party can bring the arrangements to a sudden end (a power of veto no regional party anywhere else in the EU enjoys). It is, however, [strongly opposed](#) by the DUP.

Taken together, the new arrangements effectively replace a backstop designed as an insurance policy with a 'frontstop' that will be the '[definitive future arrangements](#)' for Northern Ireland. Crucially, they reflect the Johnson government's preferred direction of travel: a relationship based on a trade agreement that allows significant regulatory divergence and an independent UK trade policy.

Discussion has understandably focused mainly on the Withdrawal Agreement and the backstop, but the new Political Declaration offers the clearest guide to how both sides envision their post-Brexit relationship. It imagines a looser trading relationship and less regulatory alignment than the one negotiated by the May government – to the consternation of some Labour MPs who had been keen to back a deal – and states very clearly that EU courts should not be involved in resolving matters that relate to the interpretation of the future arrangements, but have jurisdiction on questions of EU law only. The European Commission has also said that it is now willing to consider implementing some aspects of the future relationship before the transition period has ended.

The EU's willingness to replace the backstop and accept a consent mechanism shows clear movement. However, the greater concession was made by Johnson: having refused for so long to change his position on a customs border, he did just that. It is worth noting – as former Chancellor Philip Hammond [has done](#) – that Theresa May was offered [a very similar compromise](#) back in December 2017, but rejected it due to objections from the DUP (see [Monitor 69](#), page 3).

Agreement with Brussels seems to have been the easy part. The EU27 are now waiting as once again the Brexit process is delayed by domestic disagreement over the time needed for adequate scrutiny of the [legislation](#) to enact the Withdrawal Agreement (see page 5). Consequently, as required by the Benn Act, the Prime Minister – who promised his EU partners he could get

the deal through parliament – [requested an extension](#), albeit with extreme reluctance. On 28 October, the EU proposed a new ‘flexextension’. The government has accepted, although Boris Johnson’s [written response](#) pointedly ignored the condition that the UK nominate a Commissioner if it is still an EU member on 1 December, when the new Commission is expected to take office (see page 18). The new Article 50 deadline is 31 January. Patience is [wearing extremely thin](#) in Brussels, especially with more pressing priorities such as the increasingly difficult negotiations on the EU’s long-term budget. The EU remains ready for a full rupture, however much it wishes to avoid it.

Brexit and parliament

Parliament has continued to be at the centre of controversy about Brexit. The [previous edition](#) of *Monitor* went to press just as the Conservative leadership election was kicking off, with suggestions circulating of a possible parliamentary prorogation in order to force a ‘no deal’ Brexit through against the resistance of MPs. These proposals, from Dominic Raab, were [roundly condemned](#) by several other candidates: Sajid Javid described the idea as ‘trashing democracy’, and Andrea Leadsom commented that ‘I don’t think prorogation is the right thing to do and I don’t think that a Prime Minister would choose to do that’. Former Conservative Prime Minister John Major weighed in with [very firm objections](#). As a leadership candidate, Boris Johnson described himself as [‘not attracted’](#) to the idea, but didn’t rule it out.

This caused parliamentarians to attempt preventative action. In early July, then Conservative backbencher Dominic Grieve [narrowly defeated](#) the government on an amendment to the Northern Ireland (Executive Formation) Bill, requiring fortnightly reports to be laid before parliament in the autumn – to ensure that parliament was sitting. The provisions were strengthened by a subsequent amendment in the Lords, and [further Commons amendment](#) (proposed by Labour’s Hilary Benn) on its return. Crucially, however, these amendments did not force sittings during the time when parliament was expected to adjourn for the party conferences. In a separate move in early July, the government was heavily defeated in the House of Lords (by 245 votes to 99) on a [proposal from the Labour frontbench](#) to establish a joint parliamentary committee to consider the ‘costs and implications’ of a ‘no deal’ Brexit. This was purely symbolic, as no equivalent motion was agreed in the Commons.

The Conservative leadership contest concluded on 23 July (see page 15), with Theresa May facing her final Prime Minister’s Questions the following day, before departing to be replaced by Boris Johnson. This left the new Prime Minister subject to just one day’s parliamentary scrutiny before the summer recess. On 25 July Johnson gave only a very general Commons statement on [‘priorities for government’](#), leaving very little scope for scrutiny of his Brexit plans – despite the issue having dominated the contest. The start of the five-week recess raised familiar questions about the rights of parliamentary recall, addressed [on the Unit blog](#).

During the summer, with Brexit still the top political issue as the 31 October deadline approached, support among MPs for [cancelling September’s conference recess](#) seemed to grow. There was also much discussion of a possible [vote of no-confidence](#), and potential ‘unity government’, with a key objective of preventing a ‘no deal’ Brexit and extending the Article 50 period.

On 28 August, the week before MPs were due to return, the [government announced](#) that a five-week prorogation had been sought, to run from early September to mid-October. This was greeted with widespread concern, including [by Unit researchers](#) (who led a [joint letter to the Times](#)). The government claimed that the prorogation was routine and unrelated to Brexit, and that few sitting days would be lost. However, adjournment for conference recess would have been a question decided by MPs, and appeared likely to be defeated. The closure of parliament was followed by the Supreme Court case (see page 14), which overturned it, declaring the prorogation ‘unlawful, void and of no effect’.

The surprise prorogation announcement galvanised MPs concerned about ‘no deal’ into action. Immediately on the Commons’ return on 3 September the Speaker granted an [emergency \(standing order no. 24\) debate](#) to then Conservative MP Oliver Letwin, which was used to propose a timetable for the [European Union \(Withdrawal\) \(No. 6\) Bill](#) to go through all of its stages the following day. This bill, subsequently dubbed the ‘Benn Act’, instructed the Prime Minister to seek an Article 50 extension if by 19 October the Commons had not approved either a Brexit deal, or a ‘no deal’ exit. Letwin’s proposal was agreed by [328 votes to 301](#), with 21 Conservative MPs supporting it. Johnson immediately stripped the rebels – who included Letwin and Grieve, alongside four former members of Theresa May’s Cabinet – of the Conservative whip, though [10](#)

[of their number subsequently had it reinstated](#). The bill itself passed the Commons the following day, and (after significant procedural wrangling) [was approved by the Lords](#) on 6 September.

The next major flashpoint followed Johnson's unexpected success in agreeing an [alternative deal](#) with the EU in mid-October (see page 3). When the deal emerged, an extraordinary sitting of the House of Commons for 19 October was scheduled, to seek approval for it before the Benn Act kicked in – the first Saturday sitting [for 37 years](#). The government was however denied the opportunity for a 'straight' vote on the deal, thanks to an amendment proposed by Letwin which sought to delay approval '[unless and until implementing legislation is passed](#)'. Its success by 322 votes to 306 meant that the extension had to be sought. This tactic was pursued because, of [the many alleged 'loopholes' in the Act](#), the only one with force appeared to be the risk that a deal could be approved in principle, but a 'no deal' occur due to failure to pass the implementing legislation by the 31 October deadline. Blocking of the implementation bill, for example by members of the ERG, might potentially have precipitated this outcome.

Johnson's defeat caused him initially to try and bring back the deal motion on Monday 21 October. Given the 'same question' rule that scuppered Theresa May's third attempt to get Commons approval for her deal in March (see [Monitor 72](#), page 4), this appeared [deliberately designed](#) to precipitate a conflict with the Speaker – who unsurprisingly [ruled the attempt out of order](#). The following day the government introduced the [EU Withdrawal Agreement Bill](#), which (despite some expectations to the contrary) [passed its second reading](#) by 329 votes to 299. The government was however then

immediately [defeated](#) on the programme motion for the bill, by 322 votes to 308. The proposal had been that this 115-page bill should have just three days' scrutiny in the Commons, which external experts [universally judged to be inadequate](#). The [opposition](#), and key backbenchers, invited the government to propose an alternative and more reasonable timetable, but talks on this matter [quickly broke down](#). Any other timetable would have inevitably taken Brexit beyond 31 October – and the government's preferred route at this point was instead to seek a general election (see page 6).

Brexit and devolved powers

While campaigning for the Conservative leadership Boris Johnson [pledged](#) to strengthen the UK's domestic Union and prevent it from dissolving. However, over the first few months of his premiership this commitment often appeared to be [in tension](#) with his overriding objective of leaving the EU by 31 October.

The UK government's insistence on remaining open to the possibility of leaving without a deal raised the prospect of an outcome that would have severe [negative repercussions in Northern Ireland](#), and which is in direct opposition to the expressed wishes of overwhelming majorities of elected politicians in both [Scotland](#) and [Wales](#). Reports published by the [Bennett Institute for Public Policy](#) and the [Institute for Government](#) in October emphasised that such a scenario has the potential to precipitate a crisis in the UK's territorial politics that could accelerate the path to a border poll in Ireland and/or a second Scottish independence referendum.

Meanwhile, the revised deal between the UK and the EU is strongly opposed by unionists in Northern Ireland, who see its key provisions as a [move in the direction of](#)

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[a united Ireland](#). When the deal negotiated by Theresa May was debated, many Conservative MPs – including [Johnson himself](#) – cited the relatively limited divergence between how that deal treated both Great Britain and Northern Ireland as a key objection. Johnson’s volte face [raises questions](#) about the nature of unionism within the Conservative Party; Jack Sheldon and Professor Michael Kenny of the Centre on Constitutional Change have [suggested](#) that it reflects considerable uncertainty among Conservatives about how the UK’s territorial constitution should be understood.

Intergovernmental relations have been extremely strained from the outset of Johnson’s premiership. The [Scottish](#) and [Welsh](#) governments argued that the long prorogation planned by the UK government was unlawful in interventions in the *Cherry/Miller 2* Supreme Court case (see page 14). In the wake of the new Brexit deal, the respective First Ministers sent [joint letters](#) to Johnson claiming it ‘will be even more damaging to Wales, Scotland and the United Kingdom than the previous unacceptable agreement’, and to EU Council President Donald Tusk calling for the EU to grant an Article 50 extension long enough for a ‘referendum with remain on the ballot paper’ to be held.

Legislative consent motions for the Withdrawal Agreement Bill are highly unlikely to be agreed by the Scottish Parliament or the Senedd, so if the legislation is to complete its Westminster passage the UK parliament will need to press ahead without them, even though the bill will have significant implications for devolved powers. Such a breach of the ‘[Sewel convention](#)’, following the passage of the European Union (Withdrawal) Act without the Scottish Parliament’s consent last year, would inevitably provoke a further flashpoint between the UK’s central government and its devolved counterparts.



The ‘snap’ general election and the FTPA

From an early stage it seemed clear that Prime Minister Boris Johnson favoured an early general election. He inherited a minority government, and quickly worsened that situation when he expelled 21 Conservative MPs for breaking the whip (see page 4). Viewed as a popular

figure, and a strong campaigner, Johnson’s team clearly hoped to profit from this when his political capital was still high.

Before parliament was purportedly prorogued on 9 September the Commons twice [voted against](#) proposals from Johnson for an early general election using the provision in [section 2\(2\)](#) of the Fixed-term Parliaments Act (FTPA). This requires support from a two thirds majority among all MPs, a threshold which could not be reached once Labour had chosen to abstain. Following defeat on the EU Withdrawal Agreement Bill (see page 5), Johnson made a third such attempt on 28 October – with the [same outcome](#).

At this point the government reached for an alternative mechanism – of a short bill to override the FTPA on a one-off basis and allow an election to be held on 12 December. The [Early Parliamentary General Election Bill](#) was introduced on 29 October, following a Business of the House motion which allowed for it to pass through all of its Commons stages in a single day. Despite a government [defeat on an amendment](#) to the motion from Labour’s Stella Creasy, to make the bill amendable in the normal way, amendments to extend the franchise were not selected by the chair (then Deputy Speaker Lindsay Hoyle), while a proposal to move election day to 9 December [was defeated](#). The bill’s second reading had been agreed unopposed, and its third reading was supported overwhelmingly. It passed through the Lords the following day.

Some have suggested that this, added to Theresa May’s early election of 2017, have effectively [killed off the FTPA](#). But such a conclusion is too hasty. In particular, while fixed terms may not have held, the more fundamental change in the FTPA was to remove control of election timings from the executive, and hand it to parliament. Without this change, Johnson could have triggered an election in September or early October, even potentially taking the UK out of the EU during the election period on a ‘no deal’ basis, when parliament wasn’t sitting. Labour insisted that it would not back an election until an extension had been secured, and it achieved this goal. Nonetheless, its demand that ‘no deal’ should be ‘off the table’ could never in reality be met – despite the extension, the UK could face this scenario again on 31 January 2020.

Parliament was dissolved on 6 November, and the election campaign was beginning as *Monitor* went to press.



The former Speaker, John Bercow, attends his final Queen's Speech (CC BY-NC 2.0) by UK Parliament.

A new Speaker

The House of Commons elected its new Speaker on 4 November, following John Bercow's [announcement](#) that he would step down on 31 October, after 10 years in post. This was only the second election under rules introduced in 2007, which established a system of voting by secret ballot.

The Brexit process has been marked by [tensions between the executive and parliament](#), making the Speaker a highly visible and politicised figure. In this context, it is perhaps unsurprising that the Commons Public Administration and Constitutional Affairs Committee recently launched [an inquiry into the Speaker's role](#). The new Speaker will inherit other significant challenges: a [multi-billion pound project](#) to restore the parliamentary estate (see page 8), making parliament more inclusive (as discussed by Sarah Childs [on our blog](#)) and [ongoing work on bullying and harassment](#) (see page 8).

Nine candidates put themselves forward: Deputy Speakers [Eleanor Laing](#), [Lindsay Hoyle](#), and [Rosie Winterton](#); Conservative MPs [Henry Bellingham](#), [Edward Leigh](#) and [Shailesh Vara](#); and Labour MPs [Harriet Harman](#), [Meg Hillier](#), and [Chris Bryant](#). Despite going as far as [publishing a manifesto](#) in May, the SNP's Pete Wishart opted not to run, whilst [Henry Bellingham](#) and [Shailesh Vara](#) withdrew before the voting commenced. In interviews and [hustings](#) the candidates laid out differing priorities and approaches: the choice of the new Speaker will have ramifications for backbenchers' power in parliament and the speed with which the recommendations of the Cox and White reports (see page 8) are implemented.

The [formal process](#) was overseen by Ken Clarke in his role as Father of the House. To be nominated, candidates needed the support of between 12 and 15 MPs, including at least three from outside their own party. In an afternoon sitting, MPs heard brief speeches from the candidates before proceeding to successive secret ballots. Voting took place over multiple rounds, with Lindsay Hoyle [declared the winner](#) after four rounds of voting, defeating Chris Bryant in the final round. Due to the coming election, he served for just one day and, since Speakers must be re-elected at the start of a new parliament, will have to be confirmed by the new crop of MPs when they take their seats in December.

Theresa May's resignation honours and the size of the Lords

On 10 September Theresa May's [resignation honours list](#) was published. This included the names of 19 nominees to the House of Lords – eight Conservative, five Crossbench, three Labour, one Green and two non-affiliated.

May's previous peerage appointments had been modest, particularly when compared to the [great largesse of her predecessor](#), under pressure from the House of Lords itself and the watchful eye of the [Lord Speaker's Committee on the Size of the House](#). In July that committee had published its [third report](#), monitoring progress on the chamber's size. This noted that May's previous restraint had helped contribute to a decline since the start of the 2017–19 session of roughly 50 members (due to retirements and deaths). Nonetheless, once her final appointees have taken their seats the chamber's membership will still hover at around 800.

The Lord Speaker's Committee also used its report to issue a plea to the new Prime Minister, [commenting](#) that it hoped he would 'take the same constructive approach to our work as his predecessor did'. This sat awkwardly with subsequent anonymous media briefings that Johnson was set [to 'pack' the Lords](#) with Brexit-supporting peers. In a sharp rebuke in early September the Lord Speaker Norman Fowler – himself a former Conservative Cabinet minister – [noted in a tweet that](#) 'One proposal is that the government should appoint 100 new peers', commenting 'Nothing could be worse'. Whether Johnson has taken this comment to heart remains to be seen.

Adonis reveals loophole in House of Lords Reform Act 2014

The [House of Lords Reform Act 2014](#) (commonly referred to as the Steel Bill, or Byles Bill, in reference to those who sponsored it as a private member's bill in the Lords and Commons respectively) introduced the automatic right of peers to retire. This was an important measure in seeking to control the size of the House of Lords, and [over 100 members](#) have since departed under its provisions. However, members may choose to depart for any reason – not necessarily in order to end their political careers. And the Act contains a loophole, whereby (in a reverse of frequent practice) a member could potentially leave the Lords and run immediately for the House of Commons. Previous proposals, including those of the [Royal Commission on the Reform of the House of Lords](#) and the [government](#), instead consistently included an explicit 'cooling off' period, preventing a former Lords member immediately running as an MP. Otherwise, it was recognised, the Lords could cease being a mature chamber of reflection where the whip is less dominant, and instead become a training ground for ambitious future MPs. This pattern is seen in some other second chambers, such as the Irish Senate.

This loophole was [pointed out by the Unit's Meg Russell](#) when the Steel Bill was passed. In response, the [Lords Constitution Committee advised](#) that 'If it proves to be a problem, we would expect legislative action to be taken' by the government to rectify the flaw. In September, Labour's Lord (Andrew) Adonis [announced his intention](#) to stand for selection in the constituency of Vauxhall. Though he failed to make the shortlist, his attempt – the first such action by a peer since 2014 – demonstrates that the loophole in the Act is real. This suggests that remedial action is needed.

Liaison Committee proposals on select committee reform in both Commons and Lords

The Liaison Committees that oversee select committee activity in both chambers have conducted concurrent reviews of those systems (see [Monitor 69](#), page 5 and [Monitor 72](#), page 8). This was in part a response to Brexit, particularly in the Lords where the [European Union Select Committee](#) and its subcommittees consist of around 70 peers. In the Commons it also explicitly marks the [40 years](#) since the establishment of the departmental committee system in 1979.

The inquiries have been lengthy, partly due to Brexit uncertainties, but both have now reported. The House of Lords Liaison Committee [published its report](#) on 17 July, and its House of Commons counterpart [followed suit](#) on 9 September (with conclusions [summarised on our blog](#) by its chair, Sarah Wollaston). There were various common themes between the reports: for example, the opportunities to improve public engagement, and the use of evidence. And neither report proposed a fundamental shakeup of the system. Some of the more radical proposals put to the Lords committee – for example to establish a legislative standards committee, or a 'committee for the future' like that [in the Finnish parliament](#), had obvious promise, but may need to be returned to in the future once the way forward on Brexit is clearer. Interesting suggestions from the Commons committee included that of an 'Office of Public Evidence', encouragement for research funders to support more hubs of expertise such as [UK in a Changing Europe](#), and further use of deliberative processes such as citizens' assemblies, as well as more incremental changes such as continuing to increase joint work between different committees. The Lords committee proposed establishment of a new crosscutting committee on public services. Its report was agreed by the House [on 3 October](#).

Restoration and Renewal

After years of delay, there has been significant progress in the process of the Restoration and Renewal (R&R) of the Palace of Westminster. The [Parliamentary Buildings \(Restoration and Renewal\) Act 2019](#), which establishes the governance bodies for the project, is now on the statute book, having received royal assent ([not once but twice](#), due to the Supreme Court's quashing of September's prorogation – see page 14). The passage of the legislation was remarkably smooth (as discussed in [Monitor 72](#), page 4), with the perilous state of the Palace appearing to be a rare issue around which parliamentarians could unite. Following [criticism](#) that the process lacked public involvement, both the government and Labour peer Lord Blunkett tabled successful [amendments](#) in the Lords to place such engagement at the heart of the process.

With the legislation in place, the next stage is the development of an outline business case and budget for the work, to be voted on by MPs and peers in mid-2021. This is likely to be the next big parliamentary

showdown. Before then, however, R&R may have played a role in the election of a new Speaker of the Commons (see page 7), with many of the candidates [expressing strong views](#) on the issue – notably on the plan to use Richmond House, the former Department of Health building, as accommodation for a temporary Commons chamber. After a public [consultation](#) this summer, planning applications are expected later this year. Should this result in a public inquiry, as Speaker candidate Edward Leigh [has cautioned](#) it might, that could significantly delay both R&R and the [Northern Estate project](#), which is managing the refurbishment and development of external accommodation and will be involved in creating the spaces and facilities for the Commons to use once it decants.



Independent inquiries into treatment of parliamentary staff

Naomi Ellenbogen QC published her [report](#) on bullying and harassment in the Lords on 10 July, which was followed a day later by Gemma White QC's [report](#) on the treatment of MPs' staff. Both cited numerous complaints of bullying, harassment and poor employment practices, which were made harder to resolve or prevent by the structures and mechanisms within each House. Sexual harassment in the Lords was found to be serious enough for Ellenbogen to recommend additional CCTV equipment in specific areas of the Palace.

Both reports recognised that there had been some progress recently, such as the creation of the [Independent Complaints and Grievance Scheme](#) in the Commons, which has since been adopted by the Lords. However, both recommended more comprehensive measures. The Ellenbogen report called for an entirely

independent process for addressing complaints against peers, and suggested a significant redesign of the House's administration, including the appointment of a Director General with experience of working outside parliament.

The White report recommended the creation of a new, more 'proactive' HR service with an enhanced monitoring and enforcement role – which the Commons Commission will now consult on – and that MPs be required to adopt employment practices and procedures similar to those in other public sector workplaces. However, she declined to take up the suggestion from some contributors that IPSA or the Commons Commission be directly responsible for employing MPs' staff.

The Lords Commission agreed to establish a 'Steering Group for Change' and implement all recommendations relating to the Code of Conduct. Other recommendations – such as the increased use of CCTV, and the creation of procedures to assess members' health if they were considered potentially physically or mentally unfit – were [treated with more caution](#). It is unclear if they will be implemented.

The White report was [debated by MPs](#) on 17 July. Speaker candidate Chris Bryant, and Maria Miller – Chair of the Women and Equalities Committee – spoke critically of the pace of change. No updates have been produced by either the Commons Commission or the Lords Commission since Tom Brake, who answers questions on behalf of the former, [appeared in the Commons](#) on the eve of the summer recess. Parliament's attention is understandably elsewhere, but it is important that this does not lead to further delays of what are essential reforms.

Lords Constitution Committee reports on the legislative process

In July the Constitution Committee published the latest [report](#) from its long-running inquiry into the Westminster legislative process. This newest instalment, which focused on the passage of bills through parliament, followed earlier reports on the [preparation of legislation](#) and [delegated powers](#).

Much of the report focused on the effectiveness of the formal legislative process. One key issue of concern raised was the time available for legislative scrutiny,

with the committee proposing enhanced procedures for material added late in a bill's passage, and warning against the fast-tracking of legislation. The committee also reiterated its call for the creation of a Legislative Standards Committee to ensure that legislation is adequately prepared before its introduction to parliament. However, in line with [previous Constitution Unit research](#), it cautioned against the involvement of select committees in the formal legislative stages. Dual function committees exist in many other legislatures, but there are fears that the independence of the select committees might be undermined if such a system were introduced at Westminster.

In addition to these formal processes, the report considered how best to communicate and engage with those outside parliament. Some of its recommendations here focused on the provision of more accessible documentation such as explanatory notes, amendment statements and Keeling schedules (which reproduce the provisions of an earlier Act to show how a bill would impact on existing legislation). More substantively, the committee reiterated its call for more extensive use of pre-legislative scrutiny, through which select committees can collect evidence from outside bodies to scrutinise legislation before it is formally introduced to parliament. And it recommended that the routine holding of evidence sessions during the committee stage of a bill's passage – which were introduced in the Commons in 2006 – should now be extended to the Lords.

Elections, referendums and democratic engagement



The UK's electoral processes under pressure

The Electoral Commission, the Association of Electoral Administrators (AEA), and the House of Commons Public Administration and Constitutional Affairs Committee (PACAC) have all issued stark warnings that the UK's electoral laws and arrangements for electoral administration are creaking under mounting pressures. Reporting on the May local and European elections, the [Electoral Commission](#) said that the 'increasingly complex and outdated' state of electoral law 'presents real risks for voters, candidates and campaigners, and electoral administrators'. It reiterated its longstanding

call for a thorough update, emphasising particularly the need for better rules on online campaigning and improved procedures for overseas voters. It criticised the government's failure to address weaknesses, already identified in 2014, in the procedures for EU citizens wishing to vote in European Parliament elections in the UK. And it called on social media companies to tighten up their policies on political advertising.

In a [separate report](#), the Commission also found that around 9 million people in Great Britain are not correctly registered to vote, while around 5 million entries on the register are inaccurate. It called for 'modernisation' of the registration process, including greater use of automation.

The [AEA](#), meanwhile, made still blunter warnings. It highlighted 'an urgent need for the simplification, consolidation and modernisation of legislation relating to electoral processes', adding that 'the piecemeal approach to electoral reform is introducing unnecessary risk and confusion, leading to inconsistencies between the rules used at different elections'. Beyond the points identified by the Electoral Commission, it called for better contingency planning within central government for unscheduled electoral events and better funding for both electoral registration and the conduct of polls. It said that funding cuts have created potentially 'significant risk to the delivery of electoral events'. In conclusion, it expressed 'genuine concerns over the expectation that elections will always be safely delivered regardless of the landscape, timing, funding or capacity of people delivering them', suggesting 'This view is becoming unrealistic.'

Finally, PACAC argued in a [report](#) rushed out on 1 November, just before parliament was dissolved, that 'nearly everyone involved in a general election faces significant risks or challenges' because of the outdated and fragmented state of electoral law. It added, 'The updating and simplification of electoral law must be seen as a pressing priority for the Government.' It advocated consolidation of existing rules first, followed by a range of reforms.

These warnings reinforce previous calls for change to many aspects of electoral law, from the [Law Commission](#), the Commons [Digital, Culture, Media, and Sport \(DCMS\) Committee](#), and others. The DCMS Committee is continuing its work on potentially harmful online campaigning through its [Sub-Committee on Disinformation](#) (see [our blog](#) for more discussion of

its work). Similarly, recent Constitution Unit reports – including last year’s report of the [Independent Commission on Referendums](#) and this year’s [Doing Democracy Better](#) – have argued for an ambitious approach to strengthening democratic processes. Most recently, Twitter has [announced](#) that it will ban all political advertising on its platform from 22 November. Facebook does not plan to follow suit, but has [set out](#) how it intends to improve transparency. Both companies argued that new legal provisions are needed too. Full Fact, the UK’s leading independent fact-checker, [concurred](#), saying just days before the December election was agreed, ‘We need emergency legislation before we next head to the polls’ to ‘provide full transparency about the content, targeting, reach, and spend of online advertising’.



The Unit’s report, [Doing Democracy Better](#), has raised concerns about the rules that apply to the conduct of political campaigns in the UK.

Voter ID and ‘Defending Democracy’

There is little sign that a Boris Johnson government would prioritise acting on the pleas set out in the preceding section. The Queen’s Speech in October did announce ‘steps to protect the integrity of democracy and the electoral system in the United Kingdom’. As set out in the [background briefing](#) to the speech, however, this referred principally to the introduction of a requirement for ‘voters to show an approved form of photographic ID in order to vote at a polling station in a UK parliamentary election in Great Britain and local election in England’. In addition, the government intends to tighten procedures for postal and proxy voting and to improve accessibility for voters with disabilities.

These proposals followed the second round of voter ID pilots, held in 10 areas during the local elections in May (see [Monitor 72](#), page 10). The Electoral Commission published its analysis of these pilots in July. It found that they raised ‘no significant administrative issues’ and that the great majority of voters were able to provide ID without difficulties. It also found some evidence that the pilots may have raised confidence in the security of the voting process – though the methodology of this analysis was questionable, as it included no comparison with areas not running pilots. But the Commission also cautioned that ‘we are not able to draw definitive conclusions, from these pilots, about how an ID requirement would work in practice, particularly at a national poll with higher levels of turnout or in areas with different socio-demographic profiles not fully represented in the pilot scheme’. Jeremy Corbyn, meanwhile, [said that](#) the government’s plans to roll out ID requirements nationwide were ‘clearly discriminatory and a blatant attempt by the Tories to suppress voters, deny people their democratic rights and rig the result of the next General Election’. Strikingly, PACAC, in the [report](#) mentioned in the preceding story, urged ‘extreme caution’ in rolling out voter ID requirements, saying there was insufficient evidence to judge costs or ‘the potential effect of voter ID on particular demographics’.

The Queen’s Speech background briefing also reaffirmed the commitment made by Theresa May’s government to require imprints for ‘digital election material’, promising concrete proposals ‘in the coming months’. Further, it announced a consultation on measures to ‘protect our democracy from foreign interference’. A wider ‘Defending Democracy’ programme was [announced](#) in the final days of the May premiership and [mentioned](#) by government again in September. Alongside measures to enhance electoral security and integrity, this aims to ‘encourage respect for open, fair and safe democratic participation’ and ‘promote fact-based and open discourse, including online’. The programme was absent from the Queen’s Speech and associated documentation, however, and the degree of commitment to it remains unclear.

Recall petitions and by-elections

The UK’s second by-election triggered by a recall petition took place in Brecon and Radnorshire on 1 August (for background, see [Monitor 72](#), page 10). The MP who had been recalled, the Conservative Chris Davies, was reselected by his party, but [defeated](#) in the

election itself, receiving 39% of the vote. The winner, Jane Dodds of the Liberal Democrats, received 43.5%, while the Brexit Party trailed in third place, on 10.5%. In October, the Electoral Commission published a [review of recall petitions](#), drawing on experience in Brecon and Radnorshire as well as in Peterborough earlier in 2019 and North Antrim in 2018. It found ‘no significant problems which affected people eligible to sign or wishing to campaign’. It did, however, propose that the signing period might be shortened from six weeks to four: the vast majority of people signing the petitions had done so in the first two weeks; and the lengthy window added to costs and administrative difficulties. It also proposed that returning officers should be required to offer extended opening hours at signing places on some days. It suggested that a mechanism might be created allowing electors to express opposition to a recall petition, and that measures should be taken to safeguard the twin goals of transparency and secrecy for individual signatories.

Investigations into 2016 referendum campaign financing

On 13 September, the Metropolitan Police announced that it was dropping a criminal investigation into spending by Leave.EU, the pro-Brexit campaign group associated with Nigel Farage and Arron Banks. It [said](#), ‘Following detailed enquiries it became apparent that the nature of potential breaches of the regulations, the criminal standard of proof required in court and the actions taken by Leave.EU to adhere to the regulations, mean that it is now appropriate to take no further action.’ Less than two weeks later, on 24 September, the National Crime Agency [announced](#) that it had found no evidence that Arron Banks had arranged illegal campaign financing for Leave.EU.

In [response](#) to the first of these statements, the Electoral Commission, which had initiated both investigations, emphasised that its previous findings against Leave.EU still stood and had been upheld in court. Responding to the second, it [said](#), ‘We are concerned about the apparent weakness in the law, highlighted by this investigation outcome, which allows overseas funds into UK politics.’ It urged the government to tighten these rules.

In July, meanwhile, a court [overturned](#) a £20,000 fine levied by the Electoral Commission against BeLeave campaigner Darren Grimes. But the related £61,000 fine levied against Vote Leave still stands (see [Monitor 70](#), page 10, and [Monitor 72](#), page 11).

Developments in deliberative democracy

The numerous plans for citizens’ assemblies set out in [Monitor 72](#) (page 12) have all made substantial progress. An assembly convened by the Welsh Assembly met in July and [reported](#) in September. It examined how people in Wales could ‘shape their future through the work of the National Assembly for Wales’. It concluded in favour of a range of new or enhanced mechanisms for bringing people into the Assembly’s work, including through citizens’ assemblies and the ‘co-creation’ of policies between traditional policy-makers and people with relevant personal experiences. It urged caution on engagement via social media.



The [Citizens’ Assembly of Scotland](#) met for the first time over the last weekend of October: almost 120 people from across Scotland gathered in Edinburgh for an introductory session in which they got to know each other and began to reflect on their priorities for Scotland. Over six weekends concluding next spring, it will explore the kind of country Scots want to build, the challenges Scotland faces, and the information that will be needed to make informed choices about Scotland’s future.

Of the three local assemblies being sponsored by the UK government’s Innovations in Democracy programme, the first to come to fruition was in the [Greater Cambridge](#) area. Its 53 members met over two weekends in September and October, focusing on issues of congestion, air quality and public transport. As set out in a [preliminary report](#), members strongly supported a range of measures, including closing some roads to cars, establishing a clear air zone, and improving bus services.

Following the UK parliament’s (England-only) [Citizen’s Assembly on Social Care](#) in 2018, the [first official UK-wide assembly](#) was formally launched on 2

November. Convened by six House of Commons committees, this will examine the measures that the UK should take to tackle climate change. Meanwhile, the Extinction Rebellion protesters who closed streets around Westminster in October continue to make the establishment of a more ambitious citizens' assembly one of their three core demands. Several local councils have held citizens' assemblies on the same issue, and the Scottish government has [announced](#) one on how to achieve 'net-zero transition'.

Franchise change in Scotland and Wales

The UK government has continued to resist calls for substantive changes to the franchise, whether in relation to prisoners (see [Monitor 71](#), page 11) or for 16- and 17-year-olds. The devolved administrations have not, however, been so reticent. In Scotland, where 'votes at 16' were first adopted for the 2014 independence referendum, the government has introduced [a bill](#) that would extend the local government franchise (which also applies to elections for the Scottish Parliament) to foreign nationals resident in Scotland and to prisoners serving sentences of less than one year. The prisoner voting provision was already [introduced on a temporary basis](#) for a Scottish Parliament by-election in Shetland in August. In Wales, meanwhile, [legislation to enfranchise 16- and 17-year-olds](#) has continued to progress through the Assembly and is likely to pass in the course of November.

Executive



New Prime Minister, new government

[Boris Johnson's government](#), announced in July, saw an unprecedented number of new appointments. Two thirds of his 22 Cabinet ministers had not been members of Theresa May's Cabinet when she left office. The new blood included Robert Buckland, Robert Jenrick, Grant Shapps, Alister Jack, Alok Sharma, James Cleverly and Ben Wallace. Other ministers returning to the Cabinet (but who had resigned or been sacked under Theresa May) included Priti Patel, Dominic Raab, Gavin Williamson, Theresa Villiers, Nicky Morgan, and Andrea Leadsom. Amber Rudd also returned to Cabinet, but only for a short time: [she resigned in early September](#), citing concerns that Johnson was not adequately serious about securing a Brexit deal.

Johnson also [announced](#) a relatively small number of Cabinet committees. Reflecting the priorities of his new government, half of them are to manage Brexit. The Prime Minister chairs two of them, the EU Exit Strategy Committee, and the EU Exit, Economy and Trade Committee, while Michael Gove (Chancellor of the Duchy of Lancaster) chairs the EU Exit Operations Committee. The Prime Minister also chairs the Committee on Domestic Affairs and the Union, and the National Security Council; leaving the Parliamentary Business and Legislation Committee to be chaired by the Leader of the House of Commons, Jacob Rees-Mogg.

The EU Exit, Economy and Trade Committee is larger than the Cabinet itself, with 27 members. The full list of Cabinet Committees can be viewed [here](#).

The changing role of special advisers

Dominic Cummings, Boris Johnson's de facto Chief of Staff, leads a new team of special advisers in Number 10 that includes eight of his former colleagues from the Vote Leave campaign. He has exerted tight control over the government's whole team of special advisers, with an [early dismissal of Sonia Khan](#), who worked for Chancellor Sajid Javid. The new contracts for special advisers state that Cummings has ultimate responsibility for disciplinary matters. This cuts across the [Ministerial Code](#), which says that responsibility for special advisers lies with ministers, who are accountable to the government, parliament and the public for their behaviour.

In their book [Special Advisers: Who They Are, What They Do, and Why They Matter](#), Ben Yong and Robert Hazell argued that special advisers constitute a mini profession in Whitehall, which needs to be more professionally managed in terms of their selection, support and supervision, and development of their professional skills. They looked to the Chief of Staff to take the lead in raising the overall quality standard of special advisers, but suggested that this should be done through the Deputy Chief of Staff, who would be charged with the support, supervision and appraisal of all special advisers. Unlike previous prime ministers, Boris Johnson has not appointed a Deputy Chief of Staff. The most senior advisers alongside Dominic Cummings appear to be Sir Eddie Lister, the PM's Chief Strategic Adviser, and the head of the Policy Unit, Munira Mirza.

Courts and the judiciary



The prorogation litigation and the tenth anniversary of the UK Supreme Court

16 October marked 10 years since the UK Supreme Court began its work in Middlesex Guildhall, across Parliament Square from the Palace of Westminster, where its members had previously sat as a committee of the House of Lords. This milestone was preceded in September by one of the most significant cases since its inception, [*R \(on the application of Miller and others\) v the Prime Minister and Cherry and others v Advocate General for Scotland*](#) – commonly known as *Cherry/Miller 2*.

The Supreme Court sat for this case as a larger than normal panel of 11 Justices, who unanimously concluded that Boris Johnson had acted unlawfully when advising the Queen to prorogue parliament for nearly five weeks in September and October (see page 4). The Court based its ruling on two fundamental constitutional principles: parliamentary sovereignty and parliamentary accountability. The relatively short judgment was a clear restatement of parliament's role as the 'Senior Partner' within the UK constitution, which (as discussed [on our blog](#)) is a relatively uncontroversial principle.



The UK Supreme Court.

In going as far as quashing the prorogation, however, the decision was undoubtedly more assertive than many expected. The Supreme Court, as it enters its second decade, seems to be establishing its place as the UK's constitutional court, something [remarked upon by its deputy president, Lord Reed](#), when he and the president, Lady Hale, gave evidence to the Lords Constitution Committee in March (see [Monitor 72](#), page 13). Responses to the judgment ranged from [t-shirts being sold with a spider brooch design](#) in tribute to Lady Hale, to senior Conservative MPs calling the ruling a 'coup', and raising the prospect of [political confirmation of appointments to the Court](#) or [returning the Justices to the House of Lords](#). Interestingly, re-establishing the Law Lords and returning the senior judiciary to parliament would not have prevented the case being decided – the committee of the House of Lords created under section 8 of the [Appellate Jurisdiction Act 1876](#) could continue to hear cases even during prorogation. Unit Director Meg Russell discussed some of the issues raised by the prorogation during an evidence session with the Commons Public Administration and Constitutional Affairs Committee (see page 20).

Monarchy, church and state

Monarchy and the royal prerogative

Brexit has seen an extraordinary revival of interest in the prerogative powers, because of the government's attempts to use them to circumvent opposition in parliament. First there was Theresa May's argument that Article 50 could be triggered without legislation, because treaties are made and ratified under the prerogative. That was [scotched by the Supreme Court](#) in the first *Miller* case in 2017 (see [Monitor 65](#), page 12). Then there was [the suggestion](#) in Brexit-supporting newspapers that the Queen might be advised to withhold royal assent from the 'Benn Bill' (see page 4), which sought to prevent exit without a deal on 31 October. In August the Prime Minister [advised the Queen to prorogue parliament](#) for an unprecedented five weeks. The Supreme Court [held unanimously](#) that the advice to shut down parliament for such a lengthy period was unlawful, and that the prorogation itself was null and void (see previous story).

Most extraordinary of all, was the headline [in the Sunday Times](#) on 6 October, which read: "Sack me if you dare",

Boris Johnson will tell the Queen’. The article quoted an unnamed senior Cabinet minister as saying ‘there is nothing in the Fixed-term Parliaments Act that says you have to resign. The Queen is not going to fire the prime minister’. But the [Cabinet Manual](#) states clearly (at paragraph 2.19) that ‘The Prime Minister is expected to resign where it is clear that he or she does not have the confidence of the House of Commons and that an alternative government does have the confidence’. It seems highly unlikely that Boris Johnson would insist on staying in Downing Street in these circumstances; but if he did, the Queen might have to exercise her reserve power to dismiss the Prime Minister for the first time since 1834, when Lord Melbourne was dismissed by William IV.

The Unit held a seminar on the royal prerogative on 23 October, with Professor Anne Twomey and Professor Alison Young. You can watch a video of the event [here](#) and read a fascinating accompanying post by Professor Twomey [on our blog](#).

Parties and politicians



Party leadership elections

The Conservative Party and the Liberal Democrats both elected new leaders in the summer.

On 24 May, responding to intense pressure within her party, Theresa May [announced](#) her intention to resign as Conservative leader and Prime Minister. Perhaps inevitably, Brexit dominated the subsequent contest, with questions of which candidates were willing to countenance a ‘no deal’ exit and/or a further Article 50 extension. The contest was initially crowded, with 10 candidates gaining the eight nominations from MPs required to enter the official race. Conservative leadership elections comprise two stages: MPs hold successive rounds of voting to whittle the candidates down to two; then party members make the final choice. At the third round of MPs’ voting, five candidates remained: Michael Gove, Jeremy Hunt, Sajid Javid, Boris Johnson, and Rory Stewart. After [a fractious live televised debate](#), Hunt and Johnson made it through to the membership ballot. There was little surprise on 23 July when Johnson, a long-standing favourite of Conservative members, emerged victorious, with 66% of the vote.



[Liberal Democrat Leader Jo Swinson](#) (CC BY-ND 2.0) by [Liberal Democrats](#).

On the Liberal Democrat side, party leader Vince Cable [confirmed](#) earlier this year that he would step down after the local and European elections in May. According to party rules, prospective candidates need the support of 10% of the parliamentary party (currently just one MP besides themselves) and 200 members to stand; grassroots members then vote among all such candidates. In this case, there was a straight contest between Jo Swinson and Ed Davey. On 22 July the party [announced](#) that the former had won, with 63% of the vote, making her the party’s first female leader. The defeated candidate was named deputy leader shortly afterwards.

Nations and regions



England

There have been indications of movement on English devolution since Boris Johnson became Prime Minister and [expressed support](#) for ‘levelling up’ devolved powers available to metro-mayors (although this would not include the health and social care arrangements available to Greater Manchester). The Chancellor, Sajid Javid, [announced a white paper on English devolution](#); this may or may not be a successor to the ‘devolution framework’ that was announced in 2017 but remains unpublished. The question of how to extend these opportunities to more rural parts of England, where the elected mayor is an unusual concept, has also resurfaced. Meanwhile, the Yorkshire Post [reported](#) ‘significant progress’ on a devolution deal for West Yorkshire in late September.

At the Labour Party conference Andrew Gwynne, Labour's Shadow Communities Secretary, [stated](#) the party's support for a policy of 'minimum standards' for local government services such as parks and libraries, and the introduction of '[local public accounts committees](#)' to monitor spending. He also said that Labour was considering reintroducing the regional government offices abolished in 2011 and extending devolution to shire counties, with new bodies headed by an indirectly elected 'county commissioner', instead of a directly elected mayor.

The government has made a number of recent spending announcements, including [a commitment to funding bus franchising](#) and a 'Superbus' network, an additional £1 billion for the [Stronger Towns Fund](#), and an additional £325 million for the [Future High Streets Fund](#). It remains to be seen whether these commitments will survive future political developments.

Northern Ireland

Northern Ireland has been without devolved government for more than a thousand days; Assembly elections have once more been [postponed](#). Renewed impetus to restore devolution had developed in the spring following an increase in support for moderate parties in both [polls](#) and the European elections (see [Monitor 72](#), page 15). It faltered under mounting dissent over Brexit: relations among Northern Ireland parties, between unionism and the Irish government, and between the two governments, then deteriorated sharply in September and October.

In the Brexit talks, the government appeared at first aligned with DUP demands for no intra-UK restrictions on trade, leading proposals for [customs controls within the island of Ireland](#). It then reversed abruptly in favour of a model involving controls between Northern Ireland and Great Britain, [provoking](#) widespread feelings among unionists of betrayal. Even unionism's apparently staunchest allies in London were seen ultimately to be swayed by English rather than Northern Ireland factors. A lack of awareness and [unconcern](#) on the other island was often painfully clear.

Intergovernmental relations with Dublin may have improved somewhat since Boris Johnson and Taoiseach Leo Varadkar met on 10 October: they agreed not only the principles of what became revisions to the EU Withdrawal Agreement (see page 3), but also to [pursue](#) stronger bilateral ties in the future. But there is [much damage to repair](#).



[Arlene Foster](#) (CC BY-NC-ND 2.0) by [DUP Photos](#).

Dissident republicans have continued to attempt attacks, so far without success. Police on both sides of the border have voiced concern that Brexit is stirring tensions. Loyalist paramilitaries meanwhile [express discontent](#) with the Brexit deal: successful terrorist operations in the current atmosphere could be seriously destabilising politically.

Further attempts to revive devolution are now likely to await greater clarity over Brexit, and the delayed report of the inquiry into the Renewable Heat Incentive – the issue that brought down the last Executive (see [Monitor 66](#), page 12). Progress will be difficult with relations so brittle: Sinn Féin's emphasis is on the need for an early [border poll](#), rather than devolution; and an [opinion poll](#) in September showed, unusually, a slender plurality in favour of a united Ireland.

The Northern Ireland Assembly did in fact reconvene in October, at the instigation of the DUP. Avowedly this was to prevent changes in the law decriminalising abortion and establishing equal marriage: the Secretary of State was mandated, by amendments from backbenchers to the [latest Act](#) to regularise the absence of government, to make such changes if no Executive had been formed by that date. Without nationalist support, the sitting quickly broke up. Abortion is now decriminalised in Northern Ireland, and [legislation implementing the other changes](#) will follow in coming months.

Scotland

Fans of the separate Scottish legal system have taken comfort from how its robust lack of deference to the UK executive in the prorogation case – in sharp contrast to the High Court in England – was comprehensively vindicated [by the Supreme Court](#) (see page 14). The side effects of Brexit continue to dominate Scottish

politics: the SNP continue to cite it as a reason for another independence vote, seeing opposition to Brexit and independence as mutually reinforcing ideas. In October, Nicola Sturgeon [told](#) the SNP conference that a referendum ‘must happen’ in 2020. However, Scots are [split](#) on independence. While Brexit [has apparently pushed some](#) from opposing to supporting such a move, some 2014 ‘Yes’ voters appear also to have [changed their minds](#).

Boris Johnson has [said](#) that he will not permit the section 30 order needed for a referendum. Nicola Sturgeon’s insistence on the legal route to independence has therefore led to dissent within her party, but she [easily saw off](#) demands for a ‘Plan B’ at the SNP conference. Despite this, [speculation](#) about her future continues. Potential successors include MP Joanna Cherry, prominent in the prorogation court case, and more inclined to former First Minister Alex Salmond’s political approach.

Strains have also been evident elsewhere. Ruth Davidson’s [resignation](#) as Scottish Conservative leader was partly personal but also reflects her disagreement with Boris Johnson’s European stance. Interim replacement Jackson Carlaw swiftly adopted the Johnson line, [to the discomfort of many Holyrood colleagues](#). Labour’s Richard Leonard has been slightly more pro-EU than Jeremy Corbyn, but has not distinguished Scottish Labour sufficiently, and polls indicate the snap election could even see the party [pushed into fourth place](#) in terms of Scottish representation at Westminster. Leonard’s position is more distinctive when it comes to another independence referendum. Whilst Scottish Labour had previously said more than once that it would [‘not agree’](#) to another poll, Shadow Chancellor John McDonnell received criticism from [Gordon Brown](#) and [others](#) after saying that a Labour government would do nothing to block one. A compromise, [agreed with Jeremy Corbyn in August](#), led to a unified position that a Labour government would not sanction a poll in its ‘formative years’.

Devolved responsibilities still need managing, but attract little attention. Health Minister Jeane Freeman has been forced to [agree to an inquiry](#) into how the NHS has designed, built and maintained its hospitals, following concerns about patient wellbeing and the continuing delay of a new hospital that should have opened in 2017. Deputy First Minister John Swinney’s reputation has similarly been damaged over the ‘named person’

legislation, which would have made a named public official responsible for the welfare of each individual child in Scotland. The Supreme Court [struck this down](#) in 2016. An expert working group [concluded](#) that there was no way the policy could be redesigned to meet the Court’s requirements, and it was [quietly buried](#), on a day of high Brexit crisis. As reported elsewhere in this *Monitor*, the Scottish government is reforming electoral and referendum law (see pages 13 and 21); it has created one citizens’ assembly and promised another (see page 12).

Wales

Constitutional developments continue to unfold rapidly in Wales. The Senedd and Elections (Wales) Bill has progressed to Stage 3 of the legislative process. At [Stage 2](#) Assembly Members (AMs) approved votes at 16 for Welsh elections and a continuation of voting rights for EU nationals in Assembly elections. The Welsh government has also announced [plans](#) to extend the franchise to prisoners serving less than four years from 2026.

The [Legislation \(Wales\) Act 2019](#) received royal assent on 10 September. Aimed at improving the clarity and accessibility of Welsh law, the Act requires Welsh ministers to bring forward plans for the codification of Welsh law and to provide a programme for improving its accessibility in each term of the Assembly.

Recent months have also seen the debate around Welsh independence gather steam. Plaid Cymru is advocating a more explicit pro-independence line, with leader Adam Price [calling](#) for a referendum ‘before 2030’. Grass roots movement ‘All Under One Banner’ has organised successive pro-independence demonstrations in Cardiff, Caernarfon and Merthyr Tydfil. In September, a [YouGov](#) poll found support for Welsh independence at 41% (excluding don’t knows) if Wales could remain in the EU. For analysis of this poll, see [here](#).

In that context, the Welsh government published [proposals](#) for UK-wide constitutional reform. The document, titled *Reforming our union: shared governance in the UK*, advocates a new constitutional settlement based on the principle of subsidiarity. It includes proposals for further entrenchment of devolved powers, revision and codification of the [Sewel Convention](#), reform of the House of Lords and restructuring of the UK’s intergovernmental machinery. It also recommends a distinct legal jurisdiction, which is one of the key proposals of the Commission on Justice

in Wales, chaired by a former Lord Chief Justice, Lord Thomas of Cwmgiedd. Its report, [Justice in Wales for the people of Wales](#), was published on 24 October after almost two years of evidence gathering. It calls for 'legislative devolution of justice' – including a Welsh High Court and Court of Appeal – and for Wales to have the same status as Scotland and Northern Ireland in terms of the appointment of UK Supreme Court judges.

International



New European Commission delayed by European Parliament

The formation of the new European Commission has been delayed after the European Parliament voted against the appointments of three proposed new Commissioners.

The [process of the Commission's formation](#) has two stages: first the President is chosen; then the Commissioners. The first of these was complicated by the results of the European Parliament elections in May (see [Monitor 72](#), page 17), which left the European People's Party as the largest single group but [reduced the size of its plurality](#), requiring candidates to secure a wider coalition of support for confirmation.



[Ursula von der Leyen](#) (CC BY 2.0) by the European People's Party.

Members of the European Council engaged in [lengthy negotiations](#) to decide whom to nominate. Ursula von der Leyen, a former German defence minister, ultimately emerged following [disagreements](#) about the suitability of the [presumed frontrunners](#). Her confirmation by the European Parliament was narrow: whilst she succeeded

in gaining the 374 votes needed, her margin of victory was just nine. The result has cast doubt on her ability to secure support for her programme, which includes the promise of a [new 'green deal'](#) within the first hundred days of her presidency.

The confirmation of von der Leyen's proposed Commission has been similarly fraught. Three Commissioner posts remain unfilled: the Romanian and Hungarian candidates were [rejected](#) by a parliamentary committee on 30 September over conflicts of interest and French nominee Sylvie Goulard [suffered the same fate](#) on 10 October, after two committee hearings which addressed alleged financial irregularities. Emmanuel Macron nominated Thierry Breton in her place on 24 October.

Hungary has nominated a fresh candidate, but the second proposed Romanian nominee was apparently [rejected](#) by von der Leyen, and another choice faced opposition from his own President, who [said](#) that the then-Romanian Prime Minister lacked the authority to nominate due to her caretaker status following a [vote of no confidence](#). A nominee will now be chosen by the [new Romanian government](#), which had only just taken office at the time *Monitor* went to press.

The UK, meanwhile, had [refused](#) to nominate a Commissioner, citing its planned departure from the EU on 31 October. After the extension to 31 January was agreed, the European Council repeated its request for the UK to do so (see page 3). Now that the country is in election mode, however, this seems unlikely to happen before Christmas, if at all.

The new Commission is now expected to take office [no earlier than 1 December](#), a month later than planned. With big decisions on the remaining nominees yet to be made, the Juncker Commission may need to remain in post for some time more.

New experiments in deliberative democracy

A [Climate Citizens' Convention](#) convened by the French President, Emmanuel Macron, began in October. This citizens' assembly follows the organisation of a [Grand Débat](#), which consisted of online and offline meetings through which citizens could, on a voluntary basis, make proposals. The Convention consists of a panel of 150 randomly selected people, who will deliberate and make proposals on environmental issues. Macron has [announced](#) that their recommendations will be put

before the National Assembly for a vote and/or put to a referendum. The first session took place on 4 October and participants will work until January 2020.

A separate experiment in citizen involvement is taking place in Belgium's German-speaking community, *Ostbelgien*. Despite consisting of just 77,000 people, the region has its own government and parliament with legislative powers in areas including education, culture and employment. In February, its parliament established a [permanent citizens' dialogue](#), making it the first to establish such a long-term form of deliberative democracy composed of randomly selected citizens. It consists of a Bürgerrat (Citizens' Council) made of 24 randomly selected citizens who have the right (and budget) to initiate single-topic citizens' assemblies that will deliver recommendations to the community's parliament and government. The prime minister of the community has said that he intends to implement any recommendation made by the Council, which has the right to question its elected representatives should that commitment be broken. The first meeting of the Council took place on 16 September and its first citizens' assembly is scheduled for early 2020.

People on the move

Boris Johnson has been elected as Leader of the Conservative Party and appointed as Prime Minister.

Key ministerial changes include the appointments of **Michael Gove** as Chancellor of the Duchy of Lancaster, **Robert Buckland QC** as Justice Secretary, **Julian Smith** as Northern Ireland Secretary, **Alister Jack** as Scotland Secretary and **Jacob Rees-Mogg** as Leader of the House of Commons. **Chloe Smith**, who was retained as Minister for the Constitution, has returned to her ministerial role following a period of maternity leave.

Jo Swinson has been elected as Leader of the Liberal Democrats, replacing **Vince Cable**, who resigned in July (see page 15). **Ed Davey** is the new Deputy Leader.

Ruth Davidson has resigned as Leader of the Scottish Conservatives (see page 17).

Jackson Carlaw is serving as Leader on an interim basis.

John Bercow has resigned as Speaker of the House of Commons and an MP. He has been replaced by Lindsay Hoyle (see page 7).

There have also been a number of changes on the staff side in the House of Commons. **Tom Goldsmith** is now Clerk of Committees, replacing **Paul Evans**, an honorary researcher at the Unit, who retired in September. **Colin Lee** is now Clerk of the Table Office, replacing **Philippa Helme**, who retired before the summer recess. **Lucinda Maer**, another Unit honorary researcher, has left her role as Clerk to the Liaison Committee, taking on the same job at the Joint Committee on Human Rights. **David Slater** is her replacement. **Ugbana Oyet** took over as the new Serjeant at Arms in October, following the retirement of **Mohammed Kamal El-Hajji** in the summer.

HS2's corporate sponsorship director **Sarah Johnson** has been named as the chief executive of the shadow sponsor body for parliament's Restoration and Renewal programme. Mike Brown, Transport for London Commissioner, has been appointed as Chair of the Delivery Authority for Restoration and Renewal.

In the House of Lords, **Lord Judge** has replaced **Lord Hope of Craighead** as Convenor of the Crossbench peers. **Lord Ashton of Hyde** is the new Deputy Chairman of Committees, replacing **Lord Taylor of Holbeach**. **Lord Faulks**, **Baroness Fookes**, **Lord Hennessy of Nympsfield**, **Lord Howarth of Newport** and **Lord True** have replaced **Lord Hunt of Wirral**, **Lord MacGregor of Pulham Market**, **Lord Judge**, **Lord Morgan** and **Lord Norton of Louth** as members of the Lords Constitution Committee. UCL's **Professor Jeff King** has replaced **Professor Stephen Tierney** as the committee's legal adviser.

Paul Grice stepped down as Clerk and Chief Executive of the Scottish Parliament in September.

Philip Rycroft is now an Honorary Professor at the University of Edinburgh and Associate Fellow at the Centre on Constitutional Change, following his retirement from the Civil Service in March. He is also an Honorary Researcher at the Bennett Institute for Public Policy at the University of Cambridge.

Colin Byrne and **Sarah Hamilton** have been appointed to the Boundary Commission for England.

Constitution Unit news

Working Group on Unification Referendums on the Island of Ireland

The Unit has teamed up with partner institutions in Belfast and Dublin to examine how any future referendums on the constitutional status of Northern Ireland would best be designed and conducted. Comprising 13 scholars with expertise in politics, law, sociology, and history, the [Working Group on Unification Referendums on the Island of Ireland](#) will consult and deliberate over the coming months, and expects to produce a report in autumn 2020.

The project is important for two reasons. First, such a vote may well take place in the near future: opinion polls suggest that the strains of Brexit have strengthened support for unification; under the Northern Ireland Act 1998, the Secretary of State for Northern Ireland is obliged to call a referendum if a majority for a united Ireland appears likely. Second, great care is needed in deciding how any such vote would be conducted and what procedures would precede and follow it to ensure an informed and considered choice can be made; yet no detailed public thinking has been done. The risks are profound: a badly structured process could become chaotic, the results might not be accepted as legitimate, and there could be civil unrest.

The project is led by Unit Deputy Director Alan Renwick and made possible by funding from the British Academy

under its Humanities and Social Sciences Tackling the UK's International Challenges programme. It will examine such questions as how a referendum process might be triggered, how referendums north and south might be sequenced, and whether there is scope for using citizens' assemblies or similar mechanisms to foster deep discussion.

Meg Russell gives evidence to PACAC about the prorogation

On 8 October the Unit's Director Meg Russell [gave evidence](#) to the Commons Public Administration and Constitutional Affairs Committee, alongside retired Supreme Court Justice Lord Sumption, on the use of the prerogative power to prorogue parliament. They discussed the constitutional implications of the Supreme Court's judgment in the *Cherry/Miller 2* case (see page 14), a topic she has covered [on the Unit's blog](#).

Both witnesses agreed that prorogation should require the consent of the House of Commons, as is already the case when it is adjourned for recess or dissolved before a general election.

Meg argued that the judgment itself is both an earthquake and a reminder of basic political principles: the former because the court stepped in to judge a Prime Minister's actions unlawful, but the latter because it is a basic tenet of British politics that the executive is accountable to parliament. Following the announcement of the prorogation, and the shutting down of parliament, the Supreme Court was left as the only institution able to reinstate its central role. A summary of her evidence is available [here](#).



Meg Russell, alongside Lord Sumption, gives evidence to PACAC.

Alan Renwick gives evidence on the Referendums (Scotland) Bill

Alan Renwick [gave evidence](#) to the Finance and Constitution Committee of the Scottish Parliament on 4 September regarding the Scottish government's proposed new legislation on the conduct of future referendums. He appeared alongside Unit Fellow Professor Justin Fisher, in the first witness session for the committee's inquiry into the bill.

Alan welcomed some aspects of the bill, and the fact that it will give Scotland a standing legislative framework for referendums for the first time. But he argued that, whereas the bill gives ministers power to call referendums by secondary legislation, international best practice demands that any such decision should instead require primary legislation. He also argued against plans to limit the Electoral Commission's role in assessing proposed referendum questions, and advocated changes to bring the legislation – which largely follows the UK's 20-year-old framework – up to date. In particular, he proposed stronger rules on digital campaigning, transparency, and campaigning by governments.

Alan argued that Scotland could seize the opportunity to place itself at the vanguard of democratic practice relating to referendums, through citizens' assemblies and, in line with last year's [Independent Commission on Referendums](#), the use of two-referendum processes where matters of broad principle are put to public vote. A summary of his evidence is available [here](#).

The Finance and Constitution Committee published its [report](#) on the bill on 31 October. Its conclusions concurred with most of Alan's core recommendations.

Robert Hazell gives evidence on the Fixed-term Parliaments Act

The Lords Constitution Committee announced an inquiry into the Fixed-term Parliaments Act (FTPA) in July, and Robert Hazell was one of the first witnesses to [give evidence](#), on 4 September. He spoke of the Act's main benefits: electoral fairness, a reduction in prime ministerial power, and the potential for better long-term planning in Whitehall. He cautioned that it was too early to write off the FTPA on the basis of just eight years of operation, and that useful lessons could be learned from European and other Westminster-style parliaments, which had far longer experience of fixed-term systems.

This overseas experience was summarised in a [detailed Unit report](#) in 2010.

Robert explained that the deadlock in the 2017–19 parliament was only partially due to the FTPA, and is mainly the consequence a weak minority government, lack of discipline in the governing party, and the weakness of the parliamentary opposition. The main gap in the FTPA is its silence on how an alternative government might be formed following a successful no confidence motion under [section 2](#). But there are ways in which the House of Commons could demonstrate that it would have confidence in an alternative government, such as by passing a resolution inviting the Queen to appoint an alternative Prime Minister. A summary of Robert's evidence is available [here](#).

Meg Russell and Alan Renwick give evidence to the Exiting the European Union Committee

On 24 July Meg Russell and Alan Renwick [gave evidence](#) to the Commons Exiting the European Union Committee, as part of its ongoing inquiry into the process of the UK's Brexit negotiations. In contributions to two panels, they discussed the potential for a citizens' assembly to play a role in developing future Brexit policy, and the key issues that would need to be considered as part of any second referendum (see [here](#) for a summary of their contributions).

During the first session, on citizens' assemblies, Alan argued that these offer an opportunity to develop long-term solutions for complex, contentious policy questions, informed by expert and non-expert witnesses alike. A citizens' assembly on Brexit should, he said, have preceded the 2016 referendum. An assembly could still have value now, but only if it had broad support across the Brexit spectrum and sufficient time to conduct its business properly.

On the topic of a second referendum, Meg and Alan argued that clarity and viability are key to a successful process: a ballot paper should only feature clear, feasible proposals which legislators are prepared to enact. Reflecting the state of debate at the time, they suggested that any second referendum on Brexit could be complicated by the possibility of a three-option ballot (namely a vote between Remain, leaving with a deal, and leaving without a deal). They also emphasised the need to update the law on matters such as campaign financing and the transparency of digital campaigning before any such vote.

New staff, and some goodbyes

The last period has seen the Unit grow, with recruitment of several new staff.

In September, Lisa James joined us for three years, as researcher on Meg Russell's [ESRC-funded Fellowship](#) on 'Brexit, Parliament and the Constitution'. Lisa recently completed her MSc at King's College London, with a dissertation on parliament's treatment of the EU (Withdrawal) Bill. Daniel Gover, who had returned to the Unit to support the project over the summer, has now taken up a permanent lectureship at Queen Mary University of London, where we wish him well. Luke Moore joins the department as a Teaching Fellow, covering two of Meg's courses at UCL during the Fellowship, having recently completed his doctoral studies at the University of Oxford on divisions within the Conservative Party over European integration. In September former volunteer Sam Anderson, who recently graduated from the LSE, was appointed as a temporary Research Assistant to Meg Russell.

Two other grants have also brought new recruits. Conor Kelly will work with Alan Renwick on his British Academy-funded project on prospects for a Northern Ireland 'border poll' (see page 20). He will do so while studying part-time for his PhD at Birkbeck, University of London. Charlotte Kincaid joins us from Queen's University Belfast as Impact Research Fellow, funded by a grant from the Legal Education Foundation and support from two private donors. She will focus on increasing the impact of our research among policymakers and the wider public.

In July we welcomed back Rachel Cronkshaw from maternity leave to resume her position as Office Manager. We are enormously grateful to Edd Rowe, who so ably covered in her absence.

Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers. A big thank you to our former volunteers Sam Anderson, Joe Briers, Megan Field, Jenny Holloway, Lorenzo Leoni, Cleo Robbie, Nabila Roukhamieh-Mckinna and George Williams.

Bulletin Board

Events

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

Do we need a written constitution?

Professor Sionaidh Douglas-Scott, Anniversary Chair in Law at Queen Mary University of London, and **Professor Nick Barber**, Professor of Constitutional Law and Theory at the University of Oxford.

Chair: **Professor Robert Hazell**, Professor of Government and the Constitution at the Constitution Unit.

28 November at 6pm

Unit in the news

Meg Russell appeared on BBC Radio 4's *PM* (11 June) to discuss the constitutional challenges faced by Theresa May's successor.

Alan Renwick was quoted in a [Science Business](#) report (25 June) on UK in a Changing Europe's *The Brexit Scorecard*, to which he contributed as an author.

Robert Hazell and Meg Russell's [blogpost](#) on the constitutional questions facing the new Conservative leader was quoted or referred to by the [Observer](#) (30 June), [The Week](#) (30 June), [China Daily](#) (1 July), [Evening Standard](#) (1 July), [Slugger O'Toole](#) (1 July), [New European](#) (1 July), [Khmer Times](#) (2 July), [Financial Times](#) (2 July), [Prospect](#) (3 July), [Herald](#) (4 July), [Spectator](#) (9 July), [i News](#) (10 July), [MSN](#) (11 July), [Bloomberg](#) (12 July) and [Greenwich Time](#) (12 July).

Robert Hazell appeared on BBC One's News at Ten (11 July) to discuss the role of the courts in the Brexit process.

Bulletin Board

Meg Russell appeared on the [BBC News Channel](#) (18 July) to discuss amendments designed to prevent parliament being prorogued in order to facilitate a 'no deal' Brexit. [Wales Online](#) referred to a [blogpost](#) by Meg Russell and Daniel Gover on the possibility of parliament being recalled from its summer recess in a live blog about the Conservative leadership race (23 July).

Robert Hazell was quoted in a [Time](#) article about the Queen's role in the Brexit process (19 July), and a similar article in the [Express](#) (25 July).

Meg Russell appeared on BBC Parliament's [The Week in Parliament](#) (26 July), BBC Radio 4's *PM* ([5 August](#) and [9 August](#)), Sky News and ITV News (both 6 August), to discuss the parliamentary challenges facing the new Prime Minister. She was also quoted in the [Times](#) (9 August). Robert Hazell appeared on BBC Radio Scotland's *Good Morning Scotland* (27 July and 15 August), [Sky News](#) (7 August) and LBC (9 August) to discuss the same subject. He was also quoted in the [New York Times](#) (14 August) and [Economist](#) (17 August).

Meg Russell appeared on BBC Radio 5 Live's [Drive](#) programme (19 August) to discuss the prospect of a national unity government and a second Brexit referendum. She also appeared on the [Prospect Podcast](#) (15 August) to discuss those and other mechanisms to avoid leaving the EU without a deal.

Meg Russell appeared on BBC Radio Four's [The World at One](#), *Newsnight*, the BBC News Channel (all 28 August), BBC Radio 2's [Jeremy Vine](#) show (29 August), [Sky News](#) (29 August), BBC Radio 5 Live (29 August), *Channel 4 News* (30 August), ITV's [News at Ten](#) (3 September), and *Voice of America* (3 September) to discuss the prorogation of parliament. She contributed to a piece in the [Guardian](#) (1 September), co-wrote a letter in the [Times](#) (3 September), wrote a comment piece for the [Mirror](#) and was quoted by [NBC News](#) (28 August), [Le Monde](#) (29 August), [New European](#) (29 August), [Yahoo News](#) (29 August), and [New York Times](#) (31 August).

Alan Renwick appeared on *The World at One* (30 August) to discuss the same topic, with Robert Hazell offering his

own views on the BBC News Channel (4 September). He was also quoted in the [Atlantic](#) (5 September).

Meg Russell appeared on BBC Scotland, and her interview was quoted in a [National](#) opinion piece (1 September) by Scottish minister Michael Russell on the prospect of the UK government trying to shut down the Scottish Parliament.

Alan Renwick was quoted by the [Scotsman](#) and [Herald](#) (both 4 September) on the Scottish government's proposed referendums legislation, and in the [Times](#) (14 September) on the potential for two referendums on Scottish independence.

Meg Russell appeared on BBC Radio Four's [Today](#) (6 September) to discuss the Benn bill and was quoted on the same topic by [Voice of America](#) (5 September). She also wrote a piece in the [Guardian](#) (6 September), arguing that the prorogation demonstrated the need for constitutional reform.

The establishment of the Unit's Working Group on Unification Referendums on the Island of Ireland was the subject of an article in [Irish Legal News](#) (6 September). Alan Renwick was quoted in the [Times](#) (10 September), [Belfast Telegraph](#) (11 September), [Journal](#) (11 September) and [Irish Times](#) (12 September) on the same topic.

The government's treatment of constitutional conventions and precedents was the subject of numerous analysis and comment pieces. Meg Russell was quoted in articles in [Livemint](#) (6 September), [Chosunilbo](#) (6 September), the *Guardian* ([7 September](#) and [13 September](#)), [Washington Post](#) (8 September), [Stamford Advocate](#) (8 September) and [Wall Street Journal](#) (13 September).

Rebecca McKee's research on the way in which MPs' offices respond to constituents was the subject of an article in [Huffington Post](#) (11 September).

Meg Russell appeared on Al Jazeera's [Evening News with Barbara Serra](#) (11 September) to discuss the *Cherry/ Miller 2* judgment in the Inner House of the Court of Session.

Bulletin Board

Meg Russell appeared on the UK In A Changing Europe's [Brexit Breakdown](#) podcast (18 September) to discuss the Brexit options facing the Prime Minister before 31 October.

Robert Hazell was quoted in a [Daily Mail](#) article (19 September) about David Cameron's claim he had urged the Queen to intervene in the 2014 Scottish independence referendum. A quote of Robert's from the time of the referendum was also used in an [Express](#) article (21 October) about the Queen's role if Scotland left the Union.

Robert Hazell was interviewed by BBC Radio 4's *PM*, [Sky News](#), the Australian Broadcasting Corporation, *Associated Press*, BBC One's *News at Ten* (all 24 September), LBC, CNN (both 25 September) and ZDF (26 September) to discuss the impact on the monarchy of the Supreme Court's judgment finding that the September prorogation of parliament was unlawful. He was also quoted in the [FT](#) (25 September).

Meg Russell had a letter published in the [Times](#) (26 September), which was later reprinted in *The Week*, on the judgment in the *Cherry/Miller 2* case, and also appeared on [Newsnight](#), [ITV News](#) and BBC News' *Victoria Derbyshire* programme (all 24 September), as well as BBC Radio Foyle's *Breakfast Show* (25 September) and featured in both an hour-long episode of BBC Radio Four's [The Briefing Room](#) (26 September) and the UK In A Changing Europe's [Brexit Breakdown](#) podcast (27 September). She was quoted by [France 24](#) (24 September) and [ITV News](#) (24 September).

Robert Hazell's [blogpost](#) criticising the use of the Queen for party political ends was quoted by the [Daily Mail](#) (3 October), [Independent](#) (3 October), [i News](#) (4 October), *Express and Star* (4 October), [Times](#) (4 October), and [Business Insider](#) (14 October). He also had a letter published in the [Times](#) (4 October) on the same topic.

Robert Hazell was quoted in an [NBC News](#) article (11 October) on the potential constitutional implications of Brexit.

Meg Russell was quoted on the timing of the Queen's Speech in an article about the Pensions Bill in [Accountancy Age](#) (14 October).

Robert Hazell appeared on the BBC News Channel (14 October) and BBC Radio Wales' [Breakfast](#) programme (14 October) to discuss the Queen's Speech. Meg Russell offered her own views during interviews with BBC Radio 4's [The World at One](#) (14 October) and ARD's [Taghestemen](#) (14 October).

The Unit's report on the mechanics of a further referendum on Brexit was referred to by the [Guardian](#) (12 October) and [BBC News website](#) (20 October) in articles about the possibility of another Brexit vote.

Meg Russell is quoted on the need for a Brexit extension in the United Arab Emirates publication [National](#) (16 October) and [Urdu Point](#) (16 October).

Meg Russell appeared on Sky News ([20 October](#) and [21 October](#)), [Newsnight](#) (21 October), RTE Radio 1's [Drivetime with Mary Wilson](#) (22 October) and Radio Four's [The World Tonight](#) (22 October) to discuss the Withdrawal Agreement Bill.

Meg Russell appeared alongside Daniel Ziblatt in a 30-minute special on the state of democracy in the UK and US for CBC Radio's [The Current](#) (22 October). She also appeared on the US National Constitution Center's [We The People](#) podcast to discuss the UK's unwritten constitution (1 November).

Alan Renwick was quoted in [i News](#) (25 October) on the timing of a general election. Meg Russell appeared on Sky News (29 October) to discuss the Commons' treatment of the Early Parliamentary General Election Bill.

Alan Renwick appeared on [Channel 4 News](#) (31 October) to discuss the fitness of the electoral rules ahead of the general election set for 12 December.

Bulletin Board

Select committee appearances

Alan Renwick gave evidence about citizens' assemblies and joined Meg Russell to give evidence on a second Brexit referendum to the Commons Exiting the European Union Committee's inquiry into the progress of the withdrawal negotiations ([24 July](#)).

Robert Hazell gave evidence to the Lords Constitution Committee's inquiry into the Fixed-term Parliaments Act 2011 ([4 September](#)).

Alan Renwick gave evidence to the Scottish Parliament's Finance and Constitution Committee regarding the provisions of the Referendums (Scotland) Bill ([4 September](#)).

Meg Russell gave evidence to the Commons Public Administration and Constitutional Affairs Committee on the use of the prerogative power to prorogue parliament ([8 October](#)).

Unit publications

Meg Russell, 'Bicameralism in an age of populism' in [Constitutional Reform of National Legislatures: Bicameralism under Pressure](#), edited by Richard Albert, Antonia Baraggia, Cristina Fasone (Edward Elgar, August).

Alan Renwick, Michela Palese and Jess Sargeant, '[Information in Referendum Campaigns: How Can It Be Improved?](#)' (*Representation*, September).

Alan Renwick, 'The Surprise of June 2016: How Public Opinion Changes during Referendum Campaigns' in [Sex, Lies and Politics: The Secret Influences that Drive Our Political Choices](#), edited by Philip Cowley and Robert Ford (Biteback, September).

Rebecca McKee, 'Responsiveness of MPs to Voters' in [Sex, Lies and Politics: The Secret Influences that Drive Our Political Choices](#), edited by Philip Cowley and Robert Ford (Biteback, September).

Publications to note

The UK in a Changing Europe, [The Brexit Scorecard](#) (The UK in a Changing Europe, June).

Akash Paun and Sam Macrory, [Has Devolution Worked? The First 20 Years](#) (Institute for Government, July).

The UK in Changing Europe, [No Deal Brexit: Issues, Impacts and Implications](#) (The UK in a Changing Europe, September).

Jess Sargeant and Jill Rutter, [Governing without Ministers: Northern Ireland Since the Fall of the Power-Sharing Executive](#) (Institute for Government, September).

Michael Kenny and Jack Sheldon, [Will a No Deal Brexit Lead to the Break-Up of the UK?](#) (Bennett Institute for Public Policy, October).

Jess Sargeant, Akash Paun, James Wilson and Joe Owen, [No Deal Brexit and the Union](#) (Institute for Government, October).

Contributors to Monitor 73

Sam Anderson, Dave Busfield-Birch, Greg Davies, Jim Gallagher, Daniel Gover, Robert Hazell, Vincent Jacquet, Lisa James, Alexandra Meakin, Elspeth Nicholson, Hedydd Phylip, Alan Renwick, Meg Russell, Mark Sandford, Harrison Shaylor, Jack Sheldon, Alex Walker, Alan Whysall and Nick Wright.

The issue was edited by Dave Busfield-Birch.

