

# Constitution Unit

## Monitor 79 / November 2021



### Is this what democratic backsliding feels like?

Each new issue of *Monitor* for the last three years has reported on torrid developments in UK constitutional politics. Brexit, the 2019 general election and COVID-19 all raised new and difficult questions about democratic governance and the balance of power between our institutions. As the political dominance of the pandemic fades, and matters tentatively approach something closer to ‘normal’, constitutional controversy nonetheless remains centre stage.

A major question raised in the *previous Monitor*, and bubbling for some time before that, is whether the UK is witnessing a kind of ‘*democratic backsliding*’, whereby elected politicians gradually dismantle the checks and balances that constrain their power. The UK government’s legislative programme, and its wider activities as reported in this issue, have done little to soothe those fears. A valuable new *online tracker*, launched in October by the Public Law Project, allows for systematic exploration of constitutional developments throughout the period of the Johnson government.

Image above: [Prime Minister Boris Johnson](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).

The action that achieved greatest cut-through was the government’s *extraordinarily ill-judged* attempt to change how allegations of misconduct against MPs are dealt with, in response to dissatisfaction with the outcome of a given case – that of Conservative former cabinet minister [Owen Paterson](#) (see page 5). The mechanism proposed for the review – a Commons committee with a government majority – was also entirely inappropriate. The ensuing controversy was still raging as *Monitor* went to press.

On the legislative front, meanwhile, the Elections Bill contains *new controls* over the Electoral Commission – ignoring the conclusion of a *report* from the Committee on Standards in Public Life (CSPL) that the regulator’s independence is vital (see page 7). After the bill’s parliamentary passage had begun, the government proposed significant new provisions to *change the electoral system* for mayoral and police and crime commissioner elections. This tendency towards limiting parliamentary and wider scrutiny (*already familiar under COVID-19*), was also seen over the *Dissolution and Calling of Parliament Bill* (see page 3). This proposes a major reversal, to reinstate prime ministerial control over the calling of elections, but was given just one day for its committee stage and remaining stages in the Commons. The *Judicial Review and Courts Bill* began its Commons passage in late October, and will have longer consideration (see page 12). It would be troubling if the government tried similar tactics of introducing new provisions here, given its controversy. This cannot

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however be ruled out, following the [change of Justice Secretary](#) in September's reshuffle (see page 9), from the relatively emollient Robert Buckland to the seemingly more hardline Dominic Raab.

Additional changes may also be on the horizon. Brexit minister Lord (David) Frost has indicated that the government wants to create a fast-track process for amending retained EU law (see page 4), and Raab has [suggested](#) a new legal 'mechanism' to allow ministers to overturn court rulings in the context of the Independent Human Rights Act Review (see page 12). The Attorney General, Suella Braverman, has [reiterated](#) claims that the courts are meddling inappropriately in policy decisions. At the same time, continuing arguments about the Northern Ireland Protocol include [new threats](#) from Frost that the government might [once again](#) seek to enact legislation that is potentially in breach of international law (see page 15).

Concerns also persist regarding the government's draft Online Safety Bill (see page 8). This has been [shorn](#) of its previous ambitions to protect against damage to democracy, and gives a worrying degree of discretion to the Secretary of State to direct the regulator, Ofcom. Following the reshuffle, that Secretary of State is now [Nadine Dorries](#), who [commented](#) soon after her appointment that the BBC might not exist in 10 years' time – raising concerns about the government's attitude towards independent public broadcasting. It also sits alongside the government's strongly-rumoured determination to install former *Daily Mail* editor Paul Dacre as chair of Ofcom, even after he was allegedly blocked as 'unappointable' by an initial appointment panel (see page 11). This is only one of several controversies over public appointments. In early November, a [new report](#) from CSPL – which will be discussed at [the Unit's next public webinar](#) – raised the alarm about the need to tighten up these rules, and the rules for ministerial conduct (see page 10).

This all leads to a gloomy picture, and as Unit Director Meg Russell [suggested](#) at an event in October, 'if all of this were happening in another country we'd be concerned about it, and we'd be right'. Such international resonances will be further explored at a [Unit event](#) on 1 December with Professor Tim Bale and Lord (Daniel) Finkelstein.

The sense of democratic fragility was further compounded in October by the awful and deeply troubling [murder of the MP David Amess](#). Brutally killed while serving his constituents, Sir David was praised from

all sides of politics as a decent, good-humoured and honourable man – including during the moving [tributes](#) in the House of Commons.

These responses offered a brief glimmer of hope. The events created a pause for reflection, on the value of public service, the crucial role of our elected representatives, and how there is more that unites those in politics than divides them. Cross-party calls for a culture of 'kindness' deserved to develop into a movement to rebuild civility and public trust. Amidst the Paterson controversy, such hopes looked very distant again – but perhaps the furore will in time spur recognition of the need for deeper cultural change. Meanwhile, democratic developments elsewhere offer some positive messages for better connecting citizens and political institutions. The Scottish government is developing plans for standardising deliberative citizen input into key policy developments (see page 15).

The Unit is itself currently exploring public attitudes to our democratic system through the [Citizens' Assembly on Democracy in the UK](#), which at time of writing had held three of its scheduled six weekends of meetings (see page 19). The conclusions of the Citizens' Assembly on many of the vexed questions above – including the power relationship between government, parliament, regulators and courts – will be published in early 2022. Initial polling for the project, also due for publication in the New Year, indicates public support for checks and balances and a robust rules-based system.

## Parliament



### Continuing concerns about parliamentary scrutiny

Several recent incidents have raised concerns about inadequate opportunities for parliamentary scrutiny of government. These echo [earlier complaints](#) about parliament's limited role in oversight of government decisions during the COVID-19 pandemic, most recently voiced in [a Commons Justice Committee report](#) on creation of pandemic-related criminal offences, which also made several recommendations on improving the scrutiny of emergency legislation (see page 12).

In September, the government [announced plans](#) to fund increased health and social care spending by temporarily

increasing National Insurance contributions in 2022, and then introducing a new Health and Social Care Levy from 2023. This major policy initiative from the Johnson government was criticised by both [Conservative MPs](#) and [opposition parties](#). Despite its significance, and relative controversy, the implementing legislation – the [Health and Social Care Levy Bill](#) – received a much accelerated passage through parliament. MPs were asked to vote on a [motion](#) paving the way for legislation just one day after the policy was announced. Six days later, on [14 September](#), the bill passed all its Commons stages in a single day, and it completed all its Lords stages on [11 October](#). This clearly gave parliamentarians very little time to consider and debate such a major policy development.

Similarly, the [Dissolution and Calling of Parliament Bill](#) (discussed opposite) received its [Commons second reading](#) on 6 July and then completed its [remaining Commons stages](#) in a single evening on 13 September. An earlier version of the bill had received some pre-legislative scrutiny by the [Joint Committee on the Fixed-Term Parliaments Act](#), but the subsequent timetable allowed just a few hours for MPs to debate a fundamental change to the way in which general elections are called.

This pattern has also extended beyond legislation to changes in Commons procedures. Most notably, the Commons was given just [one hour on 13 July](#) to debate the repeal of its ‘English Votes for English Laws’ procedures (see page 4).

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## COVID-19 and parliament

Most procedural adaptations made due to the pandemic have now come to an end, with both the [House of Commons](#) and [House of Lords](#) returning to in-person sittings following the summer recess. The end of the temporary regulations governing hybrid sittings in the Commons has ended [virtual participation](#) and social distancing in the chamber. Unions representing parliamentary staff have since [raised concerns](#) about low levels of compliance with mask-wearing guidance by MPs; [particularly](#) among Conservative members. When raised by MPs in the chamber, such concerns have been [rebuffed](#) by Commons Leader Jacob Rees-Mogg. Speaker Lindsay Hoyle has [urged MPs to continue wearing masks](#) but [does not have formal power](#) to require this; however, masks remain mandatory for Commons staff, contractors and visitors.

The House of Lords, meanwhile, chose to retain certain elements of its hybrid model, following [recommendations](#)

by the Procedure and Privileges Committee. At a [debate in July](#), peers agreed to retain the option of virtual participation for disabled members. The Lords remote voting system has also been temporarily retained for members present on the estate, pending a longer-term plan to implement the same system of voting by pass reader that was [developed in the Commons](#) in the summer of 2020. A subsequent [report](#) by the Procedure and Privileges Committee recommended such a plan, but a motion to endorse it was [withdrawn](#) by the Senior Deputy Speaker after peers from across the chamber [complained](#) that they were being ‘bounced’ into changes that had not been properly consulted on.

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## The Dissolution and Calling of Parliament Bill

The [Dissolution and Calling of Parliament Bill](#), which seeks to repeal the Fixed-term Parliaments Act 2011 (FTPA), has completed its Commons stages. Introducing the bill at [second reading on 6 July](#), Michael Gove (then Minister for the Cabinet Office) claimed that it was ‘restoring power to the people’, and criticised the FTPA for causing gridlock over Brexit in the 2017–19 parliament. These claims were disputed by many during the debate, including [Labour frontbencher Cat Smith](#), who argued that the ‘Act has been used as quite an easy scapegoat. It is blamed for all the ills of that Parliament’. She expressed regret that the bill would remove parliament’s oversight of dissolution decisions. However, [as Gove emphasised](#), both main parties’ 2019 manifestos had committed to FTPA repeal.

The government’s programme motion for the bill allowed just a single day – 13 September – for all of the remaining Commons stages: amendments could be debated for just two hours. Immediately beforehand, Labour backbencher Chris Bryant took the unusual step of [attempting](#) to ‘instruct’ the committee to consider amendments on control of prorogation, previously judged out of scope by the chair. This facilitated some debate on prorogation, but ended with a [party line vote](#) rejecting Bryant’s proposal. Subsequent votes were equally predictable, with the key proposal to require Commons approval for dissolution decisions, again from Bryant, also rejected. Other concerns included the scope of the bill’s ‘ouster clause’ which seeks to prevent the courts from interfering with decisions to call an election, and lack of clarity regarding when the monarch can refuse a prime ministerial request for dissolution. It will now fall to the Lords to debate these matters more fully.

The Unit has published several recent blogposts on the bill, including a [joint-authored piece](#) on the key controversies, and a [piece from Meg Russell](#) refuting claims that the FTPA caused the Brexit impasse.

## House of Lords membership

Debate about membership of the House of Lords never goes away. In June, [by-elections to replace hereditary peers](#) who have died or retired resumed, having been suspended earlier in the pandemic. Six new hereditary peers have since been elected to fill vacancies. Most notable was the [election of Viscount Stansgate](#), the eldest son of Tony Benn, the MP who renounced his peerage for life in 1963 to serve in the House of Commons. Stansgate (Stephen Benn, brother of Hilary) was elected unopposed to fill one of only four Labour places among the hereditary peers. The others elected were four Conservatives and one Crossbencher. Another Labour by-election will happen in November, following the death of Viscount Simon. Meanwhile, attempts to end the by-elections have also resumed, with [the bill proposed](#) by Labour's Lord (Bruce) Grocott awaiting a second reading. This has been [repeatedly blocked](#) session-by-session by a determined minority of peers.



[The House of Lords \(CC BY-NC-ND 2.0\)](#) by [ukhouseoflords](#).

Another attempt at reform via a private peers' bill is Lord (Philip) Norton's [House of Lords \(Peerage Nominations\) Bill](#). This would put the House of Lords Appointments Commission on a statutory basis, requiring its approval for prime ministerial appointments, and also require the Lords to be no larger than the Commons. This reflects [growing frustration](#) amongst peers at the Prime Minister's failure to follow the recommendations of the Lord Speaker's Committee on the Size of the House, and the lack of transparency over qualifications of nominees. In October, the [Sunday Telegraph](#) hinted that Johnson

might appoint yet another round of Conservative peers – with numbers in the chamber already standing at 788.

Neither of these bills is likely to reach the statute book without government support, which seems improbable.

## Retained EU law

The government recently announced a major review of [retained EU law](#). The term refers to EU-derived law either preserved or brought into UK law by the [European Union \(Withdrawal\) Act 2018](#), as part of the process of readying the statute book for Brexit. The review, announced [in the Lords](#) by Cabinet Office Minister Lord (David) Frost, and [in the Commons](#) by Paymaster General Michael Ellis, is intended to remove the distinct legal status of retained EU law, including the supremacy which certain types enjoy over pre-exit domestic law. The review will also involve a comprehensive assessment of its content, which some fear could be an excuse for major regulatory change.

While the details of the review are not yet clear, the government's proposal to consider developing a 'tailored mechanism for accelerating the repeal or amendment' of retained EU law is a cause for concern. Ministers' justification – that the law under consideration has 'inherently less democratic legitimacy' than law initiated in the UK – raised fears that the government intends to legislate with minimal scrutiny via statutory instrument. Jonathan Jones, a former head of the Government Legal Department, has [warned](#) that to do so would have 'less democratic legitimacy than the system of EU law it is replacing'.

## An end to English Votes for English Laws

The [English Votes for English Laws procedure](#) (EVEL) was [abolished](#) on 13 July, with the Commons voting to repeal the relevant Standing Orders after a Commons debate that lasted for just one hour. Introduced in October 2015, EVEL had been suspended since April 2020 as part of the procedural response to the pandemic.

EVEL was designed as an answer to the '[West Lothian Question](#)' about asymmetry between the voting rights of English MPs and those from the devolved nations. It established a 'double veto' system for legislation affecting England and Wales, or England alone. If the Speaker certified part of a bill or statutory instrument as subject to the EVEL process, it was required to go

through an additional scrutiny stage, offering MPs from the relevant nation(s) the opportunity to veto the legislation. The intention was to avoid a repeat of [controversial incidents](#) during Tony Blair's premiership, when contentious England-only policies, such as [university top-up fees](#), were passed despite the opposition of a majority of English MPs.

There were no comparable examples during the period of EVEL's operation.

The procedure had long attracted accusations of being opaque and overly complicated. However, as [critics of the government's actions](#) have pointed out, its abolition – whilst perhaps designed to play well in Scotland – leaves the West Lothian Question unsolved.

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## MPs' conduct

The [Recall of MPs Act 2015](#) created a system by which MPs guilty of serious criminal offences or suspended from the Commons for more than 10 sitting days can be removed from office by their constituents. Should a recall petition be issued and receive adequate support, the MP will be 'recalled' and a by-election held.

Unless an MP was convicted of a criminal offence, only suspensions by 'committees of the House of Commons' were able to trigger the recall process. Since complaints made as part of the Independent Complaints and Grievance Scheme (ICGS) are decided by an Independent Expert Panel (IEP), rather than a Commons committee, this meant that an MP could be permanently expelled following an IEP decision, but not recalled. Therefore, when Delyn MP Rob Roberts was [suspended for six weeks](#) for sexual misconduct, no recall process was possible. This prompted MPs, including Shadow Leader of the Commons Thangam Debbonaire, to work to close [what she and others dubbed a 'loophole'](#) (see [Monitor 78](#), page 6).

On 19 October MPs [approved](#) changes to the recall process that require the Committee on Standards to give effect to IEP sanctions for recall purposes by recommending the same concurrent penalty to the Commons. A Labour amendment to the motion – [explicitly targeted at Roberts](#) – sought to make these changes retrospective; but it was defeated following a vote [broadly along party lines](#). Chris Bryant, chair of the Committee on Standards, cast the lone Labour vote against the amendment. He [said during the debate](#) that retrospective punishment for past offences is 'unfair'.

Despite Conservative MPs voting alongside Bryant against retrospectively applying new rules to conduct that has already been investigated and decided upon, just two weeks later many of them also signed up to [an amendment](#) tabled by former Commons Leader Andrea Leadsom, which sought to pause the imposition of a suspension on former Cabinet minister Owen Paterson. Following an [extensive investigation](#) by the Parliamentary Commissioner for Standards, Paterson was found to have committed numerous breaches of the [2015 MPs' Code of Conduct](#) by – among other things – repeatedly acting in contravention of rules prohibiting paid advocacy and using parliamentary stationery and facilities for business purposes. The Committee on Standards then recommended a 30-day suspension. If enforced, this would have triggered the recall process described above.

Conservative MPs were [whipped to vote for the Leadsom amendment](#), which also sought to create a cross-party committee to review the standards system, with former Conservative minister John Whittingdale as its chair. It [passed](#) by 250 votes to 232 after a [fractious debate](#).

A [political](#) and [media](#) backlash ensued, and the government [reversed its position](#) the next day. Upon hearing the news, Paterson almost immediately [announced](#) he would step down as an MP. Although the Whittingdale committee will not now be created, the next steps on standards are unclear.

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## Restoration and Renewal

The future of the major refurbishment of the Palace of Westminster – the [Restoration and Renewal \(R&R\) programme](#) – remains unclear. It was [revealed](#) in July that the House of Commons had 'for accounting purposes' written off £70.2 million spent on creating a temporary chamber in Richmond House – the location previously envisaged as a decant location for MPs during R&R works. The reason given was that it 'could no longer be sure that the work undertaken so far has an economic value' due to the 'increased uncertainty over the scope and timing' of decant and the work being carried out to explore a continued presence for the Commons in the Palace during the works (as discussed in [Monitor 77](#), page 8).

Further uncertainty resulted when the Leader of the House of Commons, Jacob Rees-Mogg, was [reported](#) in September as saying that the R&R programme 'is not worth £10–20 billion of public expenditure' and that 'huge amounts' were not necessary to carry out the

necessary safety work. Shadow Commons Leader Thangam Debbonaire has [warned](#) of ‘a creeping tendency on the government side to say we should do the bare minimum’ and [called](#) for urgency in tackling the state of the building.



Removal of cast iron roof parts (CC BY-NC 2.0) by UK Parliament.

## Elections, referendums and democratic engagement



### Elections Bill

The government's [Elections Bill](#) was introduced in the House of Commons on 5 July. As trailed in previous announcements (see [Monitor 78](#), pages 7–8), it proposes reforms to many aspects of elections in the UK. Attracting most headlines is a plan to require voters at polling stations in Great Britain to show photographic

ID (as is already required in Northern Ireland). The bill would also place restrictions on postal and proxy voting, change rules on ‘undue influence’, improve provisions for disabled voters, enfranchise British citizens who have been living abroad for longer than the current limit of 15 years, maintain voting rights for EU citizens in the UK where a bilateral arrangement is in place with their country of origin, subject the Electoral Commission to tighter oversight, reform campaign spending rules, establish provisions for disqualifying offenders from elected office, and require online political advertisements to show a ‘digital imprint’ indicating their source. In addition, the government [announced in September](#) that it would propose amendments to the bill to replace the current [Supplementary Vote system](#) used for electing mayors and police and crime commissioners (PCCs) with the [First Past the Post system](#).

Some of the bill's provisions – including those on disabled voters and digital imprints – have been widely welcomed, while others have been highly controversial. A [post](#) on the Unit's blog by Emilia Cieslak analysed the evidence submitted to an [inquiry into the bill](#) by the House of Commons Public Administration and Constitutional Affairs Committee. It found no support for the proposed changes to Electoral Commission governance, which were widely seen as undermining the Commission's independence. The Unit's Deputy Director, Alan Renwick, elaborated on those concerns in [another post](#), and spoke about them in an evidence session in parliament (see page 19). A [third blogpost](#), by Unit Fellow Professor Justin Fisher, examined the proposals on campaign finance. A Unit seminar, [summarised on the Unit blog](#) by Tom Fieldhouse, heard Louise Edwards from the Electoral Commission express serious concerns

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about aspects of the bill, while Laura Lock, of the Association of Electoral Administrators, highlighted the many pressures that those running elections now face. A further [blogpost](#) by Alejandro Castillo-Powell and Alan Renwick provided background evidence on the proposed change of voting system for mayors and PCCs.

Many of the bill's provisions affect matters that are devolved in Scotland and Wales. Under the [Sewel convention](#), and in the absence of abnormal circumstances, they therefore require the consent of the Scottish Parliament and the Senedd. Both [Welsh](#) and [Scottish](#) ministers have made clear, however, that they would recommend against such consent if the bill's provisions remained in their present form.

The bill completed its Committee Stage in the Commons in late October, with the abolition of Supplementary Vote added, but few other substantive changes.

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## Boundary reviews continue

The ongoing review of Westminster constituency boundaries continues to generate debate. Following publication of initial proposals for England in June (see [Monitor 78](#), page 8), the [Boundary Commission for Wales](#) set out its initial proposals in September, and those in [Scotland](#) and [Northern Ireland](#) followed suit in October.

The proposals involve many significant changes, for three reasons. First, the existing boundaries are old, based on electorate data from 2001 in Scotland and 2003 in Wales and Northern Ireland. There have therefore been significant population shifts: in Scotland, the largest electorate gain in a constituency is over 18%, while the largest loss is over 15%. Second, [legislative changes](#) made in 2011 have greatly reduced the scope for constituencies to be designed with electorates far from the average, except in protected island constituencies. This bites hardest in the Scottish Highlands, where constituencies with unusually small electorates are no longer possible. Third, Wales's traditional overrepresentation is ending. Both Scotland and Wales were overrepresented at Westminster before devolution, recognising a need to ensure that their voices were heard. This ended in Scotland at the first post-devolution boundary review, but was retained in Wales because the then Welsh Assembly had limited powers. Given several further rounds of devolution to Cardiff Bay since, Welsh representation will now come into line with that across the rest of the UK, entailing a reduction in seats from 40 to 32.

In a case of serious misinformation, the front page of Scotland's independence-supporting newspaper, the *National*, [thundered](#) that Scottish representation was being 'slashed' by 'Tory plans'. In fact, Scotland's MP tally will fall by two, to 57. This is caused by application of a mathematical formula that ensures equal value for votes across the UK. The proposed boundaries are drawn up by independent commissions.

These are initial proposals and are now subject to several rounds of public consultation.

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## CSPL report on *Regulating Election Finance*

The Committee on Standards in Public Life (CSPL) published a major [report](#) on 7 July examining how campaign donations and spending are regulated in the UK and whether reforms are needed. The report did not consider the ever-thorny question of whether donation caps should be introduced. But it articulated seven core principles of regulation in this area: that elections and election rules should be fair; that democratic participation should be open to all; that donations and spending should be transparent; that the public should have confidence in the system; that rules should be simple and clear; that '[t]hose involved in raising and spending money in elections need to be accountable for their actions'; and that the system should be underpinned by an independent regulator. It also made 47 specific recommendations. It backed [the Law Commission's call](#) for a consolidation of electoral law, and emphasised strongly the need for an independent regulator. It proposed greater transparency in spending on digital campaigning, faster reporting of spending, changes in rules on spending by non-party campaigners, time limits on investigations, greater powers for the Electoral Commission, and changes to prevent foreign donations.

In her introduction to the [government's response](#), then Minister for the Constitution and Devolution Chloe Smith welcomed the report and said she 'agree[d] fully' with its seven core principles. She added that the government 'intends to look at all the recommendations in the CSPL report' and in other recent and forthcoming reports 'as part of further work looking at the regulatory framework for elections, beyond the Elections Bill'. She thus appeared to signal that there was no intention to use the opportunity provided by that bill to act on any of the CSPL proposals. The body of the response gave little indication that ministers might be minded to take any of those proposals further.

## Electoral Commission reports on the May elections

In September, the Electoral Commission published reports on the elections that took place in May in [England](#), [Wales](#) and [Scotland](#), drawing on evidence from surveys of voters, candidates, and administrators, as well as on the Commission's own observations. All three reports noted that the elections had generally run well, despite added stresses created by COVID-19 and the exceptional complexities in some parts of the country of running multiple different elections concurrently. Nevertheless, all three reports also emphasised that electoral administration is under increasing strain and called for action to build resilience and capacity.

The Scottish Parliament elections were the first elections anywhere in the UK with requirements for 'digital imprints' on online election advertisements (similar rules having previously existed only for the 2014 independence referendum). The Commission reported that, while a full assessment was not yet possible, the arrangements had generally worked well. Greater powers were needed, however, to obtain information from social media companies in cases of non-compliance.

The elections in Scotland and Wales were the first to enfranchise residents from outside the EU or Commonwealth, while 16- and 17-year-olds in Wales and some prisoners in Scotland also had the vote for the first time (outside pilots). The Commission highlighted especially innovative efforts to engage and educate young voters in Wales, while also emphasising that further action was needed.

The mayoral election in London saw an unusually high rate of spoilt ballot papers: at 4.3% of the votes cast, it was more than twice the rate at the previous election, in 2016. The Commission attributed this to a confusing ballot paper, brought about by the large number of candidates and the constraints of the electronic counting system. The Commission recommended better testing of ballot paper designs in the future.

## Online Safety Bill

As noted in [Monitor 78](#) (page 8), the government published its [draft Online Safety Bill](#) in May, following lengthy consultation. The bill seeks to tackle a wide range of online harms, especially those relating to children. As [explored on the Unit's blog](#), it was shorn, however, of previous proposals to tackle online misinformation.

A [joint Commons-Lords committee](#) was established in July to scrutinise the draft bill, and the House of Commons Digital, Culture, Media and Sport Committee's Sub-committee on Online Harms and Disinformation launched a parallel [inquiry](#) the same day. Both received numerous written submissions and were hearing oral evidence when *Monitor* went to press. The Sub-committee's first evidence session [featured the Unit's Deputy Director, Alan Renwick](#), alongside two other witnesses (see page 19). Alan also submitted [written evidence](#) to the inquiry, which was summarised by co-author Alex Walker [on the Unit blog](#). On 25 October, the Sub-committee [heard evidence](#) from whistleblower Frances Haugen about allegations that Facebook, her former employer, placed profit above efforts to control harmful material.



[Frances Haugen gives evidence to the Joint Committee on the draft Online Safety Bill \(CC BY-NC-ND 2.0\) by \[ukhouseoflords\]\(#\).](#)

The [murder of MP David Amess](#) on 15 October sparked considerable debate about the online abuse that MPs and others in public life are now routinely subjected to. In the tribute debate in the House of Commons on 18 October, Amess's constituency neighbour [Mark Francois](#) argued for a 'David's law', 'the essence of which would be that, while people in public life must remain open to legitimate criticism, they could no longer be vilified or their families subjected to the most horrendous abuse, especially from people who hide behind a cloak of anonymity, with the connivance of the social media companies for profit'. Two days later, Labour leader Keir Starmer [focused on the issue](#) at Prime Minister's Questions. The Prime Minister appeared to signal a willingness to make changes to the draft proposals, saying 'we will continue to look at ways in which we can toughen up those provisions and come down hard on those who irresponsibly allow dangerous and extremist content to permeate the internet'.

## Developments in deliberative democracy

As reported in [Monitor 78](#) (page 8), the SNP and Green Party manifestos for the Scottish Parliament elections in May both pledged to normalise the use of deliberative processes as part of Scotland's democratic system.

The [Programme for Government](#) agreed between the two parties in September (see page 15) maintained that commitment. It said, 'A new but core feature of Scotland's participatory democracy is the use of Citizens' Assemblies – bringing together people to generate new ideas, adding fairness and equality to the policy-making process, and improving trust between government and the people it serves' (page 105). It continued, 'An expert group will report by the autumn with recommendations to Ministers on institutionalising inclusive participatory democracy across Scotland's democratic processes, including future governance and question setting for Citizens' Assemblies.' That expert group has been meeting and includes the Unit's Deputy Director, Alan Renwick, among its members.

The *Programme for Government* also pledged 'the development of effective deliberative engagement on sources of local government funding, including Council Tax, that culminate[s] in a Citizens' Assembly' during the lifetime of the parliament (page 106). And the Scottish Parliament's Public Petitions Committee has been revamped as the [Citizen Participation and Public Petitions Committee](#), with a new function 'to consider and report on public policy or undertake post-legislative scrutiny through the use of deliberative democracy, Citizen's Assemblies or other forms of participative engagement'.

Meanwhile, recent months have seen local citizens' assemblies on climate change meet and/or report in the [North of Tyne region](#), [Lambeth](#), [Devon](#) and [Glasgow](#). The [Newham Citizens' Assembly](#) – which the local council calls 'England's first permanent Citizens' Assembly', convened for the first time. Following a public consultation to select issues for discussion, a representative sample of 50 local people met over five days in July to examine the topic of 'greening the borough'. A second assembly, on '[the 15 minute neighbourhood](#)', was due in the autumn.

The Citizens' Assembly on Democracy in the UK – led by the Unit as part of its [Democracy in the UK after Brexit](#) project – also began (see page 19).

## Executive



### Autumn reshuffle

In September Boris Johnson carried out [a long-awaited ministerial reshuffle](#), two weeks before the Conservative Party conference. Education Secretary Gavin Williamson's sacking was [expected](#), and the dismissal of Housing Secretary Robert Jenrick ended a fairly '[controversial](#)' tenure. Yet Home Secretary Priti Patel, who has been accused of breaking the Ministerial Code [multiple times](#), remained in post.



[The new Cabinet meets for the first time after the September reshuffle \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

Liz Truss replaced Dominic Raab as Foreign Secretary, with Raab becoming Lord Chancellor and Deputy Prime Minister. His predecessor as Lord Chancellor, Robert Buckland, left the government. Michael Gove was moved from the Cabinet Office to head a rebranded Department for Levelling Up, Housing and Communities (DLUHC) (see page 13).

There is now a confusing division of responsibility for constitutional matters between the Cabinet Office and DLUHC. Gove has retained responsibility for elections and the Union and taken [several key officials](#) to his new department. Kemi Badenoch, a Minister of State at DLUHC, will be directly responsible for elections policy, a brief that had long been assigned to the Cabinet Office. Neil O'Brien has been given the title of Minister for Levelling Up, the Union and the Constitution.

The Cabinet Office retains overall responsibility for the constitution, and is now led by former Chief Secretary to the Treasury Steve Barclay. Minister of State Lord

(Nicholas) True will have day-to-day responsibility, albeit without the departed Chloe Smith's previous title of Minister for the Constitution and Devolution. It is unclear if Barclay will be responsible for carrying forward Gove's [civil service reform agenda](#); Minister of State Lord (Theodore) Agnew retains his designation as Minister for Efficiency and Transformation, working jointly for Barclay and the new Chief Secretary to the Treasury, Simon Clarke.

At junior levels [the reshuffle was extensive](#): four of the ministers in the Cabinet Office are new, with the same level of turnover at the Ministry of Justice (which shares many of its ministers with other departments), Department for Education and Department for Health and Social Care. The Treasury, Foreign Office, and Department for Business, Energy and Industrial Strategy all have three new ministers.

The reshuffle [prioritised loyalty over experience](#), with Gove, Truss, and Health Secretary Sajid Javid the only ministers currently in office to have also served in the coalition Cabinet, and the departure of experienced junior ministers such as Jesse Norman, Nick Gibb and John Whittingdale. Notably, Johnson did not take the opportunity to bring in less obviously loyal senior figures from the backbenches, such as key select committee chairs.

There are now 23 Cabinet ministers, and seven other ministers attending Cabinet. Six Cabinet ministers and two others who attend are women. The proportion of women ministers overall [increased by just one percentage point](#), to 32%.

A new [list of Cabinet committees](#) was published on 21 October. A new Government Priorities Delivery Committee will consist of the Prime Minister, Dominic Raab and Steve Barclay. There will also now be two Cabinet committees devoted to the Union, after the creation of the Union Strategy Committee, which will be chaired by the Prime Minister, with Michael Gove as his deputy. Gove will also chair the pre-existing Union Policy Implementation Committee.

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## Ethics in government

In the summer, the Cabinet Office published City solicitor Nigel Boardman's [report](#) into David Cameron's attempts to lobby the Treasury on behalf of Greensill Capital for access to a government lending scheme (see [Monitor 78](#), page 9). The report criticised the patchwork approach to ethics in Whitehall, which it concluded needs to be streamlined and enforced with more consistency. This should include compliance officers

conducting regular reviews in every department; tighter monitoring of conflicts of interest; stronger whistleblowing processes; a new code of practice to regulate direct appointments by ministers; post-employment restrictions that are legally binding; tighter regulation of lobbyists, and greater transparency of lobbying activity.

Boardman also considered giving the [Advisory Committee on Business Appointments](#) (ACOBA) statutory powers, but instead recommended that post-employment restrictions be included in Civil Service employment contracts, as in the private sector. Not requiring legislation, this could be introduced more speedily; it would be more flexible; and individuals would see, on accepting a role, the sort of restrictions which would be placed upon them on leaving. In September, ACOBA [criticised](#) Philip Hammond for contacting Treasury officials on behalf of his new employer Oaknorth; the former Chancellor denied any breach of the rules. Dominic Cummings was also [criticised](#) for offering consultancy services via his blog without getting clearance from ACOBA.

The Commons Treasury Committee published a [report into Greensill](#) in July, and the [government response](#) was published in September. The Commons Public Administration and Constitutional Affairs Committee's [inquiry](#) into propriety of governance following Greensill had not yet been published when *Monitor* went to press. Former Cabinet Office Director General for Propriety and Ethics Sue Gray was due to give evidence to the PACAC inquiry, but was reportedly [blocked](#) by Michael Gove.

One of the casualties in the reshuffle was Lord (James) Bethell, junior health minister and friend of Matt Hancock, who was [under investigation](#) for sponsoring a parliamentary pass for Department of Health Non-Executive Director Gina Coladangelo, whose relationship with Hancock [led to his leaving the government](#). Bethell also faced questions about his use of private emails to conduct government business, and his failure to declare meetings with companies which went on to receive government COVID-19 contracts.

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## CSPL calls for tighter regulation of ministerial standards

In a major [report](#) published on 1 November, the Committee on Standards in Public Life (CSPL) recommended significantly stronger regulation of the ethical behaviour of ministers. It noted that such changes have been made in recent years in relation to MPs,

peers, and civil servants, but that regulation of ministerial conduct now ‘lags behind’. While avoiding any direct statements about changes in ministerial behaviour over time, the Committee made its concerns as to the direction of travel clear. In his Foreword to the report, the Committee’s chair, Lord (Jonathan) Evans, observed, ‘it has become clear that a system of standards regulation which relies on convention is no longer satisfactory’. The report added, ‘Social media, intimidation, political polarisation and a more intense and immediate public debate on politicians’ conduct has led to increasing risks to public standards.’ Noting that the system of public appointments often relies on ministerial restraint rather than formal limits, it concluded, ‘It is unlikely that a system so dependent on personal responsibility will be sustainable in the long term.’

The Committee found that regulation of ministerial conduct ‘falls below what is necessary to ensure effective regulation and maintain public credibility’. It recommended that ‘the government gives a statutory basis to the Independent Adviser on Ministers’ Interests, the Public Appointments Commissioner, and the Advisory Committee on Business Appointments, as well as to the codes they regulate, through new primary legislation’, and that a similar move be considered for the House of Lords Appointments Commission as part of wider reforms. Likewise, it proposed ‘an obligation in primary legislation for the Prime Minister to publish the Ministerial Code’, alongside enhanced independence for the Independent Adviser, including in initiating and publishing investigations.

It continued that business appointments of former ministers and senior officials should be more tightly controlled, including lobbying bans of up to five years, enforceable in law with sanctions. Ministers should not appoint candidates not deemed appointable by assessment panels. Appointments to standards regulators should be more independent. Some appointment processes that are currently unregulated – such as those of non-executive directors of government departments – should be regulated. Finally, transparency of lobbying should be enhanced.

The report will be discussed at the Unit’s [November webinar](#).

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## Public appointments

There continue to be serious delays with senior public appointments, caused by a lack of action at Number 10.

Peter Riddell was due to step down as Commissioner for Public Appointments in April, but his term was extended for six months because of the failure to appoint his successor. Despite interviews being held in January, with two candidates found appointable, the government’s preferred candidate, William Shawcross, [was not announced until July](#). The Commons Public Administration and Constitutional Affairs Committee [endorsed his appointment](#) following a September pre-appointment scrutiny hearing, but was very critical of the delay.

Similar delays afflicted the [appointment of the new Information Commissioner](#). The Commons DCMS Committee had to cancel two appointment hearings in July, although the preferred candidate, John Edwards, a former Privacy Commissioner in New Zealand, was known well in advance of the summer recess. Meanwhile the recruitment of a new chair of Ofcom has been dogged by further delays, with [Paul Dacre judged unappointable](#) by the original interview panel. Downing Street seems committed to Dacre nonetheless, which [made it difficult to recruit a fresh panel](#) to reconsider the appointment.

In his final [annual report](#) before stepping down, the then Public Appointments Commissioner, Peter Riddell, found that fewer than half of public appointments are made within the three-month target set out in the Governance Code. He has been [critical](#) of the number of ‘unacceptable, and invariably unexplained delays’ in appointment competitions. In a separate report, the Commons Public Accounts Committee [criticised](#) the Cabinet Office for not enforcing the Governance Code for public appointments, putting at risk the transparency and accountability of the appointments process.

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## Cabinet Manual

In July, the Lords Constitution Committee published a [report](#) on the need to update the Cabinet Manual, which dates to 2011. It heard evidence from former Cabinet Secretaries [Lord \(Gus\) O’Donnell and Lord \(Mark\) Sedwill](#), as well as the current Cabinet Secretary, [Simon Case](#). Major revisions are required as a result of leaving the EU, changes to the devolution settlements and [the likely repeal of the Fixed-term Parliaments Act 2011](#) (see page 3). The report also listed other changes which have been suggested by parliamentary committees and independent experts. Lord Sedwill told the committee that revision of the manual had begun during his time as Cabinet Secretary but had not been completed; Simon Case added that ‘repeal of the [FTPA] would strengthen again the argument for doing it in reasonably short order’.

The report concluded that the manual was ‘an important part of the United Kingdom’s constitutional framework’ and urged the government not to treat it and other governance documents as ‘optional extras’.



## The relationship between the government and the courts

The [Judicial Review and Courts Bill](#) was introduced to parliament on 21 July. The bill does not seek to limit judicial oversight to the extent that [some had feared](#), but there is [unease](#) over the extent to which the changes will shield the government from future scrutiny. Commons [second reading](#) of the bill took place on 26 October, after being postponed to allow tributes to the murdered MP, David Amess (see page 8).

The [Independent Human Rights Act Review](#) was due to deliver its report to the government at the end of October. The [report](#) of a separate inquiry by parliament’s Joint Committee on Human Rights was published on 8 July. The committee expressed concern that the review’s [terms of reference](#) were focused on ‘narrow constitutional and legal questions’, without consideration of the wider human rights context, and that this could lead to recommendations that ‘harm’ human rights enforcement.



[New Justice Secretary Dominic Raab](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).

The new Lord Chancellor and Secretary of State for Justice, Dominic Raab, has significant reforms in mind. In [an interview with the Sunday Telegraph](#), Raab was critical of the current requirement that UK judges ‘take account’ of decisions of the European Court of Human Rights, and indicated that he intends to introduce a Bill of Rights, supplemented by a mechanism to facilitate the creation of ‘ad-hoc’ legislation to overturn judgments that ministers perceive to be ‘incorrect’. His comments have raised [concern](#) that this would allow ministers to overrule court decisions through secondary legislation, potentially undermining the role of the judiciary and the rule of law.

## Justice Committee report on COVID-19 offences

The Commons Justice Committee published a [report](#) on 24 September following its inquiry into the process and impact of creating pandemic-related criminal offences.

The committee said that, in future, pandemic response should be cross-governmental ‘from the outset’ rather than led by a single department. In particular, it recommended that the Ministry of Justice should have greater oversight of proposed offences, so the overall impact on the justice system can be properly considered. It also recommended that the role of the criminal law be made an essential part of health emergency planning.

Whilst recognising the need to sometimes legislate in haste, the committee called for parliament to play ‘a more active role’, and proposed that the Commons Procedure Committee consider how proper scrutiny can be conducted ‘in a timely fashion’. It also recommended that departments be proactive in informing select committees of significant changes made by statutory instrument.

The committee warned that lessons must be learned from the sometimes unsatisfactory way in which legislative change was [communicated by ministers](#), as it was too often unclear whether they were stating legal obligations or giving advice about best practice.

Finally, the committee recommended a government review of the use of [fixed penalty notices](#) and the [Single Justice Procedure](#) for COVID-19 cases, expressing concern at the [high error rate](#) in decisions to prosecute new and insufficiently understood offences.

No official government response had been published when *Monitor* went to press.

## Parties and politicians



### Labour members vote for rule changes at party conference

September's Labour Party conference resulted in [19 changes](#) to the party's constitution, some of which were a consequence of the [investigation of antisemitism within the party](#) conducted by the Equalities and Human Rights Commission (see [Monitor 76](#), page 14).

The EHRC-mandated changes were a consequence of its findings that there had been political interference in some antisemitism complaints, which were handled by people who were insufficiently trained. An Independent Complaints Board will be created, comprising four practising lawyers, four human resource professionals and four lay panellists with a minimum of five years' continuous party membership. The changes passed with significant overall support (73.6%).

Measures to prohibit discrimination or harassment on the basis of religion and philosophical belief or gender reassignment (which are already [legally protected characteristics](#)) passed by a similar margin, on the same slate as a measure preventing members from taking legal action before engaging with internal processes.

Changes to membership rules and the conduct of internal elections were approved by far narrower margins, following numerous reports [that some might not pass at all](#). Leadership candidates will now require 20% support from the parliamentary party to make it onto the ballot – double the previous level – and new members will not be able to participate in national elections unless they joined the party at least six months before the election timetable was set. The category of [registered supporters](#) – which allowed people to vote in leadership elections after paying a one-off fee – was abolished entirely, just seven years after its creation.

The threshold for triggering a local deselection process to remove a sitting MP was also raised to make this more difficult.

However, a key part of Starmer's [original proposals](#) – to return to electing leaders by the long-established [electoral college](#) system scrapped by then leader Ed Miliband, rather than a straight vote of eligible members – was not put to a vote following significant opposition.

## Nations and regions



### The Union and intergovernmental relations

Following the Cabinet reshuffle in September (see page 9), responsibility for the Union and intergovernmental relations within the UK government has shifted from the Cabinet Office to the newly relabelled Department for Levelling Up, Housing and Communities (DLUHC). This ensures ministerial continuity: Michael Gove remains lead minister in this area, with the additional title of 'Minister for Intergovernmental Relations', the first time a UK government has included such a role at Cabinet level. Nevertheless, there is a [risk](#) that moving intergovernmental relations to a department that also now leads on several other key government priorities will starve ministers of the time necessary to build effective relationships with the administrations in Northern Ireland, Scotland and Wales.

The UK government's flagship 'levelling up' agenda now sits within the remit of the same department as Union policy. Much of the [public discussion](#) around levelling up has previously assumed this to be focused primarily on relatively disadvantaged parts of England. However, the [announcement](#) of the new departmental nomenclature stated an intention to 'deliver a programme of tangible improvements in every part of the UK', signalling that the government also envisages policies applying to Northern Ireland, Scotland and Wales forming part of the 'levelling up' agenda. This can be seen as another manifestation of the Johnson government's concerted push to strengthen the profile and influence of central government in the devolved territories (see [Monitor 78](#), page 12).

Ahead of the reshuffle there had already been signs that the remit of DLUHC's predecessor department was broadening beyond its England-only responsibilities following the decision that it would be responsible for allocations of the new [UK Shared Prosperity Fund](#), which replaces EU structural funds. Reflecting this, the published list of [ministerial responsibilities](#) for Neil O'Brien, junior minister at DLUHC, now includes 'local government engagement' and 'oversight of funds' in Scotland, Wales and Northern Ireland.

The new department inherits a situation of strained intergovernmental relations. In October, the Supreme

Court [ruled](#) that provisions of two pieces of legislation passed by the Scottish Parliament during its previous term, but referred to the court by UK law officers, were outside devolved competence (see page 15). This is not the first time in recent years that the Supreme Court has taken a relatively restrictive view of devolved powers – it issued a [similar judgment](#) in 2018, when the EU ‘continuity bill’ passed by the Scottish Parliament was referred to the court (see [Monitor 71](#), page 5).

The Scottish government is not alone in challenging the extent of Westminster’s powers. The Welsh government’s application for [judicial review of the Internal Market Act 2020](#) will be heard early next year by the Court of Appeal, whilst the imposition of abortion laws on Northern Ireland by London is also the subject of a judicial challenge (see page 15).

Meanwhile, there has been limited cross-UK collaboration in relation to COVID-19 over the past few months. The most recent of a [series of conference calls](#) between Gove and the leaders of the devolved administrations was held on 21 July, two days after the last remaining lockdown rules were eased in England. Most legal restrictions have also now been eased in Northern Ireland, Scotland and Wales. During the latest phase of the pandemic response, however, there have been notable differences between policies in the different parts of the UK on the wearing of [face coverings](#) and the implementation of so-called ‘[vaccine passports](#)’.

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## England

The future direction of devolution within England continues to turn upon the government’s levelling up white paper, which is now expected before the end of 2021, under the auspices of the new Secretary of State (see page 9). In the interim, the government [wrote to all local authorities in July](#) inviting bids for devolution deals from county areas. These required a strong leadership structure (not necessarily a directly elected mayor), a ‘sensible economic geography’, and plans for improved governance and service delivery. [Interest in county deals](#) has been reported from Hampshire, Lincolnshire, Surrey, Suffolk, Nottinghamshire and Derbyshire, Bedfordshire and Northamptonshire, East Yorkshire, and North Yorkshire. Further engagement may come from Staffordshire, Kent, Dorset, and Sussex after the white paper is published.

It remains unclear what type of devolved responsibilities will be on offer, and how these will relate to the

government’s broader policy of levelling up. It has not been clear to date that devolution of powers is a necessary component of levelling up, with much government attention devoted to large-scale central funds during 2021. It is also not clear whether the white paper will offer additional powers to existing metro-mayors. Recent planned reforms in the areas of health and social care, and skills and training, have not given prominence to local government.

The government [announced](#) in July that North Yorkshire and Somerset will be served by single unitary authorities from May 2022, and that Cumbria will be served by two unitary authorities. Cumbria County Council has [made clear](#) its intention to apply for judicial review of this decision.

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## Northern Ireland

Northern Ireland politics is hung up on the Northern Ireland Protocol (see below) and the uncertain outcome of the Assembly elections due in May 2022. Constructive political effort is [largely absent](#); the debate about longer term destinies continues, but lacks reality.

[Polling](#) at the end of August appeared to show that the Democratic Unionist Party (DUP), the largest in the present Assembly, now enjoys less support than either the moderate Ulster Unionist Party or the hard-line Traditional Unionist Voice.

Earlier polling, and an increasingly combative position in London, had already driven the DUP under successive leaders into ever stancher opposition to the Protocol. In September, the new leader, Jeffrey Donaldson, who once saw in it [no constitutional significance but much economic potential](#), announced [a range of measures](#) to be taken in protest. They included a DUP boycott of the North–South ministerial liaison machinery of the Belfast/Good Friday Agreement, and a threat to withdraw the party from the Executive, collapsing the institutions. His words were in various ways nuanced, but raised the temperature, as have the UK government’s actions on the Protocol.

The boycott of the North–South institutions was [declared by the courts to be illegal](#), but continues; further legal action [seems likely](#). There may also be repercussions from the government’s sweeping [proposals](#) for a statute of limitations for Troubles-era criminal cases. These are widely seen as a response to an English media campaign to protect former soldiers from prosecution, and were

[unanimously rejected by the Northern Ireland Assembly](#). A [Westminster direction](#) to establish abortion services by March 2022 has led to [criticism](#) from First Minister Paul Givan, and an [application for judicial review](#) in which the applicants have instructed former Attorney General for Northern Ireland John Larkin.

Northern Ireland's political future will turn on the outcome of next year's election. The unionist fragmentation shown in the polling makes it likely that Sinn Féin will be the largest party in the new Assembly, and entitled to the post of First Minister, leaving the largest unionist party to fill the deputy First Minister slot. The posts have precisely equal and joint powers, but such a result might still be hard for unionism to swallow.

Devolution in Northern Ireland and the wider political settlement remains precarious.

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## Northern Ireland Protocol

The [Protocol on Ireland/Northern Ireland](#) forms part of the [2019 EU–UK Withdrawal Agreement](#) and was developed as an alternative to the [Northern Ireland backstop](#) negotiated by Theresa May's government. Its purpose is to avoid the need for customs checks along the Irish border. In effect, Northern Ireland remains in aspects of the single market, and EU customs policies are enforced on goods coming from Britain.

Northern Irish unionists [have opposed](#) the Protocol on the grounds that it undermines the Union. They, along with the UK government, have also said that it is unsustainable in its current form given the barriers to trade it has created in the Irish Sea. Despite the protests of [the European Commission](#), [Irish government](#) and [US President Joe Biden](#), the UK government has delayed implementation of aspects of the Protocol, first on a rolling basis, and, since September, [indefinitely](#). Regardless of its frustration, the EU has not taken any retaliatory steps and has agreed to consider solutions to the impasse.

In July, Lord (David) Frost, the Minister of State for EU relations, published a [Command Paper](#) setting out UK demands for reform, including ending the jurisdiction of the European Court of Justice (ECJ). On 12 October, [Frost delivered a speech](#) in Lisbon, during which he repeated the UK government's plans and proposed 'a new legal text' that would cover the suggested reforms. A day later his EU counterpart, Commissioner Maroš Šefčovič, announced a series of [proposals](#) which would

significantly reduce the need for checks on many goods. However, the EU is maintaining its position that it will not agree to end the jurisdiction of the ECJ regarding disputes about the Protocol, despite this being a UK priority.



Maroš Šefčovič (CC BY-NC 2.0) by [New Democracy](#).

As things stand, there is a significant threat of the UK government [triggering Article 16 of the Protocol](#), suspending some of its provisions. This is something many unionist politicians have called for. The EU and the Irish government have expressed disappointment at the conduct of the UK and [strongly implied](#) that it negotiated the Protocol in bad faith. Relations between the governments in London and Dublin are poorer than they have been for decades. If Article 16 is triggered, there is the possibility that the EU will take retaliatory tariff measures. Talks had apparently reached a state of '[deadlock](#)' as *Monitor* went to press.

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## Scotland

On 20 August, a [Cooperation Agreement](#) between the Scottish government and the Scottish Greens' parliamentary group was published, followed soon after by the appointment of two Green MSPs – co-leaders Patrick Harvie and Lorna Slater – to ministerial posts. The Greens will support the government in confidence votes, and Green ministers will be bound by the principle of collective responsibility, except in relation to policy areas specified in [the Annex](#) to the Cooperation Agreement.

Shortly after the agreement was signed, a [Programme for Government](#) was published. The centrepiece of its legislative programme is the proposal to create a [National Care Service](#), which will establish a system of national adult social care with Scotland-wide

standards and direct ministerial oversight. Delivering on expectations may be a challenge, and there will be parliamentary resistance to what has been [described by the Liberal Democrats](#) as a plan that will further centralise public service delivery and therefore erode local accountability.

The shared programme makes several proposals on democracy and the constitution (see page 9). It includes a commitment to ‘secure a referendum on independence after the Covid crisis’. The SNP–Green parliamentary majority assures the passage of referendum legislation in the Scottish Parliament. The threat to a referendum bill comes, rather, from the courts, should competence to legislate in this area be challenged. In the meantime, the Scottish government [has initiated work](#) on a ‘detailed prospectus’ for an independent Scotland, to inform debate ahead of a referendum.

Legal challenges to the legislative competence of the Scottish Parliament are becoming a familiar feature. In April, the UK government referred two Scottish bills to the UK Supreme Court. The purpose of the legislation was to incorporate two UN treaties, to which the UK is a signatory, into Scottish law, placing duties on public authorities and ensuring laws on devolved matters, including Acts of the UK parliament, would be compatible with the rights these treaties embody. In [a judgment](#) published in October, the Court concluded that key aspects of both bills were beyond the competence of the Scottish Parliament, in part on grounds that they impinged upon the ‘unqualified power’ of the Westminster parliament to make laws for Scotland. The judgment [has been criticised](#) for broadening the interpretation of the sovereignty of the UK parliament while narrowing the devolution settlement.

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## Wales

Senedd reform remains firmly on the political agenda. A [new cross-party committee](#) will build on the conclusions of the [Expert Panel Report on Assembly Electoral Reform](#) and the [Committee on Senedd Electoral Reform](#). It is expected that it will report on increasing and diversifying membership of the Senedd as well as electoral and boundary reform, by 31 May 2022. This work coincides with [plans](#) to reduce the number of Welsh MPs at Westminster from 40 to 32 (see page 7). In September, a [joint statement](#) between Welsh Labour and Plaid Cymru hinted at a potential cooperation agreement, but no further details emerged before *Monitor* went to

press. Cross-party cooperation will be critical to securing the two-thirds supermajority required for Senedd reform.

In October, Mick Antoniw, Counsel General and Minister for the Constitution, announced the details of a new [Independent Commission on the Constitutional Future of Wales](#). Over two years, the Commission will look at options for ‘fundamental reform’ of the UK’s ‘constitutional structures’, in which it sees Wales as ‘an integral part’. It will also ‘consider and develop all progressive principal options to strengthen Welsh democracy and deliver improvements for the people of Wales’. Professor Laura McAllister and former Archbishop of Canterbury Rowan Williams have been named as co-chairs. The Commission will be supported by an expert panel and is expected to publish an interim report at the end of 2022.

Since May’s Senedd election, there have also been numerous policy developments related to law and justice. In late September, the Counsel General sought to restart negotiations with the UK government regarding the devolution of justice and policing, but was unsuccessful. The policy was the principal recommendation of the 2019 [Thomas Commission](#) (see [Monitor 73](#), page 18). Antoniw [described](#) the UK government’s position as ‘a political trick which has little to do with the best administration of the justice system’. Undeterred, the Welsh government is using its powers to establish distinctive arrangements around law and justice. A [Cabinet Sub-committee on Justice](#) has been reconvened, with Antoniw as chair. Antoniw has also [announced](#) that Lord Lloyd Jones, who is still serving as a Justice of the UK Supreme Court, will be the first president of a new Law Council of Wales. The Welsh government has also announced the first [programme](#) of legislative consolidation and codification under the [Legislation \(Wales\) Act 2019](#), aimed at improving the accessibility of Welsh law: it will involve two bills focusing on planning and ‘the historic environment’.

## International




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### Snap election in Canada

Canada held a snap federal election on 20 September. No election was due until 2023, but Prime Minister Justin Trudeau [hoped](#) to strengthen his Liberal minority government’s position in parliament. [Canadian law](#) theoretically fixes elections to take place every four

years, but does not prevent prime ministers requesting an earlier dissolution.

Trudeau's decision to call an early election during the COVID-19 pandemic was [criticised by opposition parties](#) as irresponsible and opportunistic. Ultimately, however, [the result](#) was very similar to the previous election, with the Liberal Party securing more seats than its Conservative rivals, but still only forming a minority government.

This episode may hold lessons for the UK government's [current plans](#) to restore prime ministers' ability to call early elections without consulting parliament (see page 3). In particular, it shows the risk that prime ministerial control of election timing can lead to campaign questions [focusing](#) on the legitimacy of the election itself, rather than the rival parties' programmes and records. Trudeau's failure to secure a majority should not be seen as undermining the concern that prime ministerial discretion over election timing gives them an unfair advantage. Calling a snap election can backfire, but [comparative evidence](#) suggests that it usually does not.

## Appointment controversy in Ireland

In Ireland, the [proposed appointment](#) of former minister Katherine Zappone as a special envoy to the United Nations quickly became a political scandal that dominated headlines for weeks. The Minister for Foreign Affairs, Simon Coveney, was [heavily criticised](#) for his handling of the appointment process, as well as his conduct after the controversy broke.

The opposition [claimed](#) that the appointment was a case of political cronyism, and it soon emerged that other members of the Cabinet, including Taoiseach Micheál Martin, were not aware of the situation until it was reported in the media. It also emerged that Zappone had lobbied Coveney for the role, and that text messages discussing the position had been [deleted from his government phone](#). Coveney [said](#) that he started regularly deleting messages from his phone following a 'cyber attack' in 2019. This would have required him to contact the Data Protection Commission, which responded to the news by stating that [no data breach had been reported](#) at the time.

The controversy also drew attention to an event held at a Dublin hotel by Zappone, and [attended by Tánaiste \(Deputy Prime Minister\) Leo Varadkar](#), which apparently contravened COVID-19 regulations in force at the time. Zappone has since withdrawn her name from

consideration, and Coveney has apologised for the '[political fiasco](#)'. An [appearance by Coveney](#) before the Oireachtas Committee on Foreign Affairs and Defence, and [the defeat of a no-confidence motion](#) in the Dáil, appears to have calmed the controversy, though criticism by the opposition continues. Zappone [declined an invitation](#) to give evidence to the committee.

## People on the move

The government reshuffle (see page 9) led to the creation of a new Department of Levelling Up, Housing and Communities, with **Michael Gove** as its Secretary of State. **Steve Barclay** filled the ensuing vacancy at the top of the Cabinet Office, and Gove's predecessor, **Robert Jenrick**, returned to the backbenches. **Dominic Raab** was granted the title of Deputy Prime Minister and appointed as Lord Chancellor and Secretary of State for Justice, while **Robert Buckland** left the government. **Nadine Dorries** joined the Cabinet as Culture Secretary, taking over from **Oliver Dowden**, who remains in the Cabinet as a Minister without Portfolio.



[Culture Secretary Nadine Dorries at the first meeting of the new Cabinet \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

**Suella Braverman** was reappointed as Attorney General before the reshuffle, following her return from maternity leave in September. Her interim replacement, **Michael Ellis**, briefly returned to his previous position of Solicitor General, allowing his stand-in **Lucy Frazer** to return to her role of Minister of State at the Ministry of Justice. Ellis was later moved to become Paymaster General at the Cabinet Office as part of the reshuffle. **Alex Chalk** is the new Solicitor General, and **James Cartlidge** succeeded him as Parliamentary Undersecretary of State at the Ministry of Justice.

The reshuffle saw **Chloe Smith** leave her role as Minister for the Constitution and Devolution.

**Nigel Adams** joined the Cabinet Office as a Minister of State.

**Kemi Badenoch** took over the role of Minister of State for Regional Growth and Local Government from **Luke Hall**, with added responsibility for elections policy. **Neil O'Brien** was appointed Parliamentary Undersecretary of State for Levelling Up, the Union and the Constitution.

**Conor Burns** returned to the government as Minister for State for Northern Ireland after **Robin Walker** was moved to the Department for Education. **Malcolm Offord** was made a life peer in order to succeed MP **David Duguid** as Parliamentary Under-Secretary of State for Scotland. **Julia Lopez** moved from a junior ministerial position at the Cabinet Office to become Minister of State at the Department for Digital, Culture, Media and Sport.

**Andy Haldane** was seconded from the RSA, just three months after becoming its chief executive, to serve as a Permanent Secretary at the Cabinet Office and lead the Levelling Up Taskforce (see page 13). **Sue Gray**, who had recently rejoined the Cabinet Office to work on devolution and the Union, has moved to the Department for Levelling Up to work on the same brief.

**Professor Alison Young** has been appointed as a legal adviser to the House of Lords Constitution Committee, following the departure of **Professor Jeff King**.

Britain Thinks co-founder **Deborah Mattinson** is Keir Starmer's new Director of Strategy.

**Jonathan Bartley** and **Siân Berry** resigned as co-leaders of the Green Party. **Carla Denyer** and **Adrian Ramsay** were elected in October as their replacements.

**Alex Cole-Hamilton** is the new leader of the Scottish Liberal Democrats after **Willie Rennie** stepped down in August.

**Andrew RT Davies** has temporarily stepped down as leader of the Conservatives in the Senedd for health reasons. Former leader **Paul Davies** has temporarily replaced him.

**David Rees** has replaced **Ann Jones** as chair of the Senedd's Scrutiny of the First Minister Committee.

The Senedd has created a new Special Purpose Committee on Senedd Reform. **Huw Irranca-Davies** was appointed as its chair.

**Andrew Goodall** was named Permanent Secretary to the Welsh government following the departure of **Shan Morgan**.

**William Shawcross** replaced **Peter Riddell** as Commissioner for Public Appointments in October.

## Constitution Unit news

### Alan Renwick becomes Professor of Democratic Politics

The Unit's Deputy Director, Alan Renwick, has been [promoted to the rank of professor](#), with the title of Professor of Democratic Politics. Alan arrived at the Unit in 2015 and leads its work on elections, referendums and deliberative democracy.



After the announcement, Alan said, 'It is a huge honour to work at UCL and the Constitution Unit. My colleagues stimulate fresh thinking and encourage deep analysis, while the Unit's well-earned reputation for rigorous, impartial,

policy-relevant research ensures that our work helps shape the agenda of real-world politics. I am very happy that my contributions have been recognised by this promotion.' Unit Director Meg Russell commented that the promotion was 'extremely well deserved' and 'a fitting tribute to his important work on the functioning of democracy and democratic institutions'.

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## Alan Renwick gives committee evidence

Alan Renwick gave oral evidence to two Commons committees in September. On 16 September, [he appeared](#) before the public bill committee scrutinising the Elections Bill, arguing that the ‘strategy and policy statement’ outlined in Part 3 of the bill, as well as the current composition of the Speaker’s Committee on the Electoral Commission, unacceptably threaten the Electoral Commission’s independence. He argued that the Commission’s remit should be set down solely in primary legislation, and its activities scrutinised through mechanisms that are both cross-party and non-party in nature.

A week later, [Alan gave evidence](#) to the Digital, Culture, Media and Sport Committee’s Sub-committee on Online Harms and Disinformation, this time on the government’s [draft Online Safety Bill](#). He argued that the omission of provisions to protect democracy against misinformation is a serious concern. Building on the findings of the Unit report [Doing Democracy Better](#), he suggested three ways to tackle misinformation that could be included in the bill: direct measures, such as adjusting algorithms and highlighting rigorous fact-checking; measures to promote media literacy; and measures to ensure that good quality, accurate information is readily available.

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## Meg Russell addresses meetings on parliamentary sovereignty and executive overreach

In October, Unit Director Meg Russell participated in three public events within three days on the pattern of recent constitutional developments, and the relationship between the government and key constitutional checks, including parliament. On 20 October she spoke at the inaugural event of the new Constitutional Law Matters project run by professors Alison Young and Mark Elliott at the University of Cambridge, on the topic of ‘Who’s in charge of the Westminster parliament?’. Both her [video presentation](#) and the [all-panel Q&A](#) are available online. Meg argued that government backbenchers normally play a key behind-the-scenes role in keeping the executive in check, but that particularly under Boris Johnson the executive has been encroaching.

This theme of growing executive power was central to the other two events. On 21 October, Meg spoke on [an in-person panel](#), organised by Mishcon de Reya LLP and chaired by TV’s Judge (Robert) Rinder, on ‘Expansion

of executive power’. She discussed whether recent developments in the UK fit into the international trend of democratic ‘backsliding’. She also chaired a high-profile panel at the Public Law Project’s Judicial Review Trends and Forecasts conference on 19 October, which touched on many similar issues.

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## Citizens’ Assembly on Democracy in the UK begins

The Unit’s ESRC-funded research project on [Democracy in the UK after Brexit](#) is examining public attitudes to democracy and the operation of the democratic system in the UK (see [Monitor 77](#), page 21). Since the last *Monitor*, it has taken two large steps forward.

In July, the first of two large-scale public opinion surveys went into the field, providing uniquely rich insights into how people from each part of the UK and all backgrounds conceive of democracy and what they think about specific democratic institutions. The project team are now analysing the responses and will publish an initial report in the new year.

In September the [Citizens’ Assembly on Democracy in the UK](#) met for the first of six online weekends together. The first two weekends explored Assembly members’ attitudes to democracy in broad terms, while the remaining weekends are looking into specific questions about the relationship between government and parliament, the roles of the general public, and mechanisms for upholding rights and standards. Recordings of all plenary sessions and presentations from the Assembly are available on its webpages shortly after each weekend, and the Unit will publish a report on the Assembly’s conclusions next spring.

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## Working paper on attitudes in Northern Ireland

Following on from the Final Report of the [Working Group on Unification Referendums on the Island of Ireland](#), published in May, the Unit published a [working paper](#) in August analysing results from a public consultation on people’s thoughts about any future referendums on the question of Northern Ireland’s constitutional future. The consultation received 1,377 responses, from all parts of the community. Respondents were asked about their hopes and fears in relation to such referendums, and whether they had views on any aspects of how such referendums would best be designed and conducted.

Written by Working Group chair Alan Renwick, volunteer Nadia Dobrianska, research assistant Conor Kelly, and impact research fellow Charlotte Kincaid, the paper sets out the responses in detail, allowing respondents' views to be heard in their own words.

## Staff news

The Unit was very sorry to say goodbye to Dr Nick Wright, an associate member of staff at the Unit, who left the UCL Department of Political Science at the end of the 2020–21 academic year. Nick was a significant EU expert, and a frequent contributor to *Monitor* on Brexit-related matters. We thank him wholeheartedly for all of his work, and wish him the very best in his future endeavours.

As previously announced, Tom Fleming joined the Unit and the UCL Department of Political Science in September, as a Lecturer in British and Comparative Politics. The Unit is delighted to welcome him to its team.

## Unit PhD student wins award

In September, Unit PhD student Lotte Hargrave was presented with an 'Outstanding Contribution to the Department' award. Lotte received the award in recognition of her efforts in co-organising the Departmental Research Seminar and her role as representative of the department's Doctoral Students. Lotte was praised for arranging a wide array of networking events, panels, and workshops to help diversify the skillset of the PhD students and, in particular, for her dedicated efforts to keeping the PhD students connected throughout the pandemic.

## Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers, especially given the difficulties posed by the COVID-19 pandemic.

A big thank you to former volunteers Dominic Brind, Emilia Cieslak, Robert Liao, Lorna Maclean, Donya Mojtahed-Zadeh, Zach Pullar, Matt Richardson, Joe Ryder, Holly Sommers and Philip Wilson.

If you are interested in joining the Unit as a volunteer in the spring or summer of 2022, information on the role and application process can be found on [our website](#).

## Advertisement

### **Key Ideas in Law: The Rule of Law and the Separation of Powers**

*Jack Beatson, former Lord Justice of Appeal.*

Prompted by the events following the 2016 referendum on EU membership and written during the COVID-19 pandemic by one of the leading public lawyers of our day, this book considers two key constitutional principles, the rule of law and separation of powers, by examining the generality, certainty and predictability of law, relations between the different branches of the state, and the mechanisms of accountability within our democracy.

Since the referendum and in light of the restrictions imposed to deal with the pandemic – and the use of guidelines presented as rules to do so – attention has refocused on the relationship and respective powers and competences of the three branches of the state, the legislature, the executive, and the judiciary. They have also placed strains on our unwritten constitution that have been unknown in modern times.

The role of the courts and of the rule of law has been dramatically illustrated by recent litigation, most notably the decisions on whether legislation was needed to serve notice of the UK's intention to leave the EU and whether the prorogation of the Westminster Parliament in 2019 was a matter for the courts as opposed to a political question for government.

Set against this backdrop, the book answers the following questions:

- How accessible is the law and how does it avoid arbitrariness?
- How is access to justice protected?
- How does our constitution reflect the separation of powers and the balance of responsibilities between law and politics?
- How does our democracy enable majorities and protect minorities?

**July 2021 | 9781509938773 | 192pp**

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# Bulletin Board

## Events recently made available online

Recordings of all of Unit events are available online, via the Unit's [podcast](#) and its [YouTube page](#). To sign up for future events, please visit the Unit's [events page](#). Webinars are free and open to all.

[The Gun, the Ship and the Pen: Warfare, Constitutions and the Making of the Modern World](#)

**Linda Colley**, Professor of History at Princeton, and **Dr Harshan Kumarasingham**, Senior Lecturer in British Politics at the University of Edinburgh.

Chair: **Robert Hazell**, former Director of the Constitution Unit.

*Recorded on 29 July.*

[Reforming Elections: Assessing the Government's Proposals](#)

**Louise Edwards**, Director of Regulation at the Electoral Commission, **Justin Fisher**, Professor of Political Science and Director of the Policy Unit, Brunel University, **Laura Lock**, Deputy Chief Executive of the Association of Electoral Administrators, and **Baroness (Nicky) Morgan of Cotes**, Vice-Chair of the APPG on Digital Regulation and Responsibility.

Chair: **Alan Renwick**, Deputy Director of the Constitution Unit.

*Recorded on 23 September.*

Remarks at the Unit's June conference by Adam Tomkins on the possibility of a second referendum on Scottish independence were the subject of an article in the [National](#) (20 June).

[Fox News](#) quoted Bob Morris in an article explaining why Prince Harry and Meghan Markle's son Archie isn't a prince but may become one when he turns 18 (22 June).

Alan Renwick and Meg Russell's [blogpost](#) outlining five ways in which the conduct of referendums could be improved was referenced in an article on the prospect of a second independence referendum in Scotland in the [National](#) (27 June).

Alan Renwick was referenced in a [Scotsman](#) article explaining how the Edinburgh Agreement signifies the UK government's acceptance of Scotland's right to self-determination (27 June).

The [Irish Times](#) published a review of the Final Report by the Working Group on Unification Referendums on the Island of Ireland (3 July).

[Scottish Legal News](#) published an article announcing the launch of [a Constitution Unit project](#) exploring perspectives of the Belfast/Good Friday Agreement (7 July).

A Unit report authored by Robert Hazell on non-executive directors in Whitehall was referenced by the [Financial Times](#) in an article on the events that led to the resignation of former Health Secretary Matt Hancock (11 July). This article was republished in [California News](#) (12 July).

The [Irish Echo](#) referenced the Working Group on Unification Referendums on the Island of Ireland in an article arguing for a date to be set for a referendum on Northern Ireland's constitutional status (13 July). The work of the Working Group was also referenced in an article in the [Irish Times](#) (20 July).

An article in the [Daily Express](#) on the attitude of Prince Charles towards the Commonwealth quoted Unit Senior Research Fellow Bob Morris (17 July).

A [Reuters](#) article referenced the Unit during a discussion of the role of statutes and conventions in the UK constitution (20 July).

## Unit in the news

A commentary piece in the [Irish Examiner](#) praised the contribution of [the Working Group on Unification Referendums on the Island of Ireland](#) to the public debate on how a referendum on Northern Ireland's constitutional status would best be designed and conducted, if one were to happen (18 June).

# Bulletin Board

Robert Hazell was referenced in an article in the [Daily Express](#) in which he explained that the Queen would still be the Queen of Scotland if Scotland were to become independent (28 July). Bob Morris was referenced in [Brinkwire](#) in an article that discussed the Queen's impartiality on the topic of Scotland's independence (12 September).

Articles on [Yahoo! movies](#) (12 September), in the [News International](#) (13 September), the [List](#) (14 September), [Marie Claire](#) (14 September), [Daily Express](#) (13 September), [Central Recorder](#) (15 September), [Yahoo! life](#) (15 September), [Marie Claire](#) (23 October) and [Good To Know](#) (27 October) quoted the Unit's explanation of the constitutional process that will follow the death of the Queen.

[Mirage News](#) published an article announcing the launch of the [Citizens' Assembly on Democracy in the UK](#) (17 September).

Bob Morris was quoted in a [Daily Express](#) article on how Prince William's constitutional role and title will change following the death of the Queen (23 September).

Evidence submitted to parliament by Alan Renwick and Alex Walker was mentioned in a comment piece on the draft Online Safety Bill in the [Observer](#) (23 October).

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## Committee appearances

Alan Renwick gave evidence to the public bill committee scrutinising the Elections Bill ([16 September](#)).

Alan Renwick appeared before the Digital, Culture, Media and Sport Committee's Sub-committee on Online Harms and Disinformation to give evidence on the government's draft Online Safety Bill ([23 September](#)).

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## Unit publications

Nicole Curato, David Farrell, Brigitte Geissel, Kimmo Grönlund, Patricia Mockler, Jean-Benoit Pilet, Alan Renwick, Jonathan Rose, Maija Setälä and Jane Suiter, [Deliberative Mini-Publics: Core Design Features](#) (Policy Press, July).

Alan Renwick, Nadia Dobrianska, Conor J Kelly, Charlotte Kincaid, [Public Attitudes to Referendums on Irish Unification: The Results of a Public Consultation in Northern Ireland](#) (Constitution Unit, August).

Alan Renwick and Conor J Kelly, ['What Form Would Referendums on Irish Unification Take?'](#) (*Political Quarterly*, October).

Tom Fleming, ['Why Change a Winning Team? Explaining Post-Election Cabinet Reshuffles in Four Westminster Democracies'](#) (*Political Studies*, October).

Meg Russell and Ruxandra Serban, ['Why it is Indeed Time for the Westminster Model to be Retired From Comparative Politics'](#) (*Government and Opposition*, November).

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## Publications to note

Oran Doyle, Aileen McHarg and Jo Murkens (editors), [The Brexit Challenge for Ireland and the United Kingdom: Constitutions Under Pressure](#) (Cambridge University Press, August).

The United Kingdom Constitution Monitoring Group, [The Constitution in Review](#) (Constitution Society, September).

Katie Lines, [18 Months of COVID-19 Legislation in England: A Rule of Law Analysis](#) (The Bingham Centre for the Rule of Law, October).

John Curtice and Alex Scholes, ['Democracy'](#), in *British Social Attitudes* 38 (British Social Attitudes, October).

The Hansard Society, [Delegated Legislation: The Problems With the Process](#) (Hansard Society, October).

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## Contributors to Monitor 79

Dave Busfield-Birch, Greg Davies, Tom Fleming, Lotte Hargrave, Robert Hazell, Lisa James, Conor J Kelly, Charlotte Kincaid, Nicola McEwen, Alexandra Meakin, Hedydd Phylip, Alan Renwick, Meg Russell, Mark Sandford, Charlotte Sayers Carter, Jack Sheldon and Alan Whysall.

The issue was edited by Dave Busfield-Birch.

# Bulletin Board

## Unit events are currently virtual – sign up now!

We continue to run free live virtual events, with contributions from experts in politics, academia and law, followed by what is usually a lively Q&A session. One benefit of these arrangements is that those located far from London can more easily attend. If you do not already receive email notifications about Unit events, [sign up now](#). Webinars are free and open to all.

## Upcoming events

### [Improving Standards of Conduct in Public Life](#)

**Lord (Jonathan) Evans**, Chair of the Committee on Standards in Public Life, will discuss the committee's latest report with the Unit's Director, **Professor Meg Russell**.

12 November, 1pm.

### [Riding the Populist Wave: The UK Conservatives and the Constitution](#)

Panel to include **Tim Bale**, Professor Politics, Queen Mary University of London, **Lord (Daniel) Finkelstein**, *Times* columnist and Conservative peer.

Chair: **Meg Russell**, Director of the Constitution Unit.

1 December, 1pm.

## Podcast

## The Constitution Unit now has a podcast!

The [Constitution Unit podcast](#) allows you to listen to audio recordings of our events, as well as topical episodes featuring analysis and commentary from our team of researchers.

You can find a full episode list [here](#), or subscribe via a range of podcast providers, including [Apple](#), [Google](#) and [Stitcher](#).

## Join the Unit!

The Unit recruits research volunteers three times per year, to assist in its fascinating and varied work. The deadlines for the spring and summer application rounds are 6 February and 8 May respectively. Our volunteers have gone on to work in think tanks, Whitehall, Westminster, academia and the Unit itself.

For more details on the role and application criteria, visit the [Research Volunteers](#) section of our website.

