Mr Stewart Connell—Written evidence (UDE0006)

Edmund Burke MP for Bristol in 1774

“...Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole....”.

Executive Summary

1 The Union

The Will of the British people.

2 Authority

Authority is singular.

3 British Parliamentary Constituency Election

The exclusive method of expressing singular electoral authority.

4 Representation and Abstention

Two sides of the same Parliamentary coin.

5 Legislative Devolution Versus Administrative Devolution

National dis-integration or restoration of local government.

6 Conclusion

Legislative devolution will lead to the complete dis-integration of the United Kingdom unless it is repealed.

7 Recommendation

Repeal and replace with uniform local council powers (administrative devolution) and introduce a Common Representation Act.
1 The Union

Principals

The Union is willed together by the British People. Their will is expressed and manifest exclusively in their singular Parliamentary constituency electoral authority. Everything that flows from the Union does so as a result of that authority and the expression of that authority through its institutions.

2 Authority

Authority is singular. It can only exist in either the elector (during the election period) or the MP (once it has been transmitted into the candidate with the majority of votes in the constituency). Legislative devolution, like all UK legislation is made, re-made and un-made through this authority. All devolved institutions exist on the singular authority that the elector has already exercised in the previous General Election and placed in the 650 MP's. No secondary, alternative, superior or counter authority exist's or indeed can be invented by a devolved institution or a referendum - which is why the Union and the United Kingdom Parliament remain Reserved matters in the 1998 Scotland Act(Schedule 5).

Parliamentary constituency election is the means and the method the British people recognise, accept and exercise as the valid and binding authority in our nation, it is how we peacefully compose and re-compose the Nation at every General Election. It is the foundation of the rule of law and it is the means of how we govern ourselves. It is the essence of the Sacrifice we remember on Remembrance Day.

3 Constituency Election:

Representation and Abstention.

At a general election, electors in each constituency must decide first and foremost if they wish to be part of the whole – the United Kingdom of Great Britain and Northern Ireland, if they do then they must elect an MP from those candidate's who indicate that they will take their seat’s in the British Parliament.

If they do not wish to be part of the United Kingdom then they must give their vote to an abstentionist candidate who refuses to go and take his seat in the British Parliament.

In the 2015 General Election, in the British constituencies across Scotland, 59/59 MP’s took their seat’s including all of the 56 SNP MP’s. To go and sit in Parliament is to accept the valid and binding authority in law of the British Parliament. The phrase "if you don’t believe in it do not sit in it" was made for this matter. No abstentionist's were elected.
It is not open to MP’s who have been explicitly authorised and sent by their constituency electors to sit in the British parliament to then abstain without at first seeking a new constituency election mandate in a by-election(s) or general election.

Abstention is the price that a separatist must pay (willing pay) in order not to belong to the whole. Abstention provides a parliamentary, representative, democratic and peaceful means for those opposed to the unity of the nation to legally campaign for the reconfiguration or complete ending of the nation. Representation and abstention are the opposite sides of the same parliamentary democratic coin. It allows those who favour union and those opposed to union to use a common singular authority in order to measure legally and peacefully where power should be exercised (London or Edinburgh etc).

Those who call for a referendum on the Union are advocating the existence of two authorities in the United Kingdom: Parliamentary authority versus referendum authority.

This is a dangerous road, one that eventually leads to ruin. Our parliamentary nation state cannot contain two separate claims of authority. Such a contest leads to political decay and public disorder. We need not and must not travel that road.

4 DEVOLUTION:

There are two forms of devolution: legislative and administrative:

Legislative Devolution

Legislative devolution differs from administrative devolution (local government) in three essential respects:

1 It authorise's the exercise of initiating and making law by an institution that is not the British Parliament. (local councils only apply the existing law or modify it in permitted local narrow margins)

2 It sets up an institution which covers a limited geographical part of the United Kingdom in which a number of local councils are contained

3 It attaches an electorate to the law making institution of the identified territory.

Legislative Devolution is dividing the United Kingdom - an institutional, territorial and electoral conflict has now been created between different parts of the nation.
Legislative devolution has created differential (uncommon) representation - we now have a four-tier membership of the House of Commons (a House of Uncommons) - different powers, procedures and practice - between MP’s from different devolved and un-devolved parts of the United Kingdom.

The devolved institutions are challenging the authority of the British Parliament and in doing so are engaged in the de-constructing of the British state and in state-building of new statelets - in the case of Scotland a new Scottish statelet is being built inside the European Union.

Legislative devolution cannot endure or bring stable representation or government inside the British Parliament and no alteration to legislative devolution can make it equitable or durable in the House of Commons.

The current proposals to contain legislative devolution in the British Parliament cannot work:

1 Reduced Representation (Reduce the number of MP’s). Constituencies in Scotland already reduced from 72 to 59 and a proposed reduction to 52 does not remove the inequity of an elector in Dundee having more power in their vote than an elector in Leeds.

2 Limited Representation (English votes on English Laws). No Bill in the House of Commons is a purely Scottish/Welsh/Northern Irish or English Bill. The British Parliament and Treasury determine that all bills will contain some level of British interest and expenditure (we retain a common Treasury). Also the matter of who would determine an “England Bill” or a “Wales Bill” would bring them into the party political arena.

3 No Representation.

The final complete dis-integration of the United Kingdom.

Administrative Devolution

Administrative devolution poses no threat to the United Kingdom. It does not devolve legislative authority or require 297 additional politicians and hundreds of tax funded political staff and separate structures to be set up.

Administrative devolution delegates administrative authority to either: official organisation’s, local government, or individuals. It is equitable, simple, reduces political division, organisationally efficient and tends towards lower cost.
6 CONCLUSION

The anti-devolutionist's of the 1970s and 1980's warned that legislative devolution would lead to the break-up of the United Kingdom. We can now see the evidence before us that they were right.

Unless legislative devolution is repealed and replaced with administrative devolution (local government) it can only lead to the complete dis-integration of the Nation.

7 RECOMMENDATION

Essential Practical Measures to Stabilise and Strengthen the United Kingdom.

1. We must repeal legislative devolution. (The British Parliament has recently re-affirmed it's power to do this.) The Scottish Parliament, Northern Ireland Assembly, the Welsh Assembly (and the London Assembly) must be abolished. All functions must be returned to national government (or local councils).

The 129 MSP's, 108 MLA's and 60 AM's and all their political staff must be sacked.

All devolved public staff must be re-merged or merged into the British civil service or local council employment without penalty. No devolved public staff should be sacked.

2. Introduce administrative devolution on a uniform basis to all local councils across the United Kingdom and abolish Proportional Representation (PR) across all councils and restore "first past the post" method of election for all local council's.

3. A Common Representation Act must be made law. All elector's to legally have the same representation (power's, procedure and practice) when they vote in General Election's across all constituencies in the United Kingdom (therefore all MP's by law to have common power's, procedure and practice in the House of Commons). Only such practical and effective action will restore unity and strength to our Nation, Parliament, the House of Commons and our other national institutions.

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