Devolution in England

8. If devolution or decentralisation in England proceeds on an asymmetrical basis, what impact would that have on the areas that are slower to receive devolved powers?

This is a factor that would need to be taken into consideration by English cities and regions in choosing whether or not to take up the option of localised administrative and/or legislative powers. But this is also something that, under a non-English Parliament option, would need to be considered in ensuring that non-devolved areas continue to receive fair treatment in financial allocations and other decisions.

English votes for English laws

9. To what extent do the ‘English votes for English laws’ procedures as adopted by the House of Commons address the concerns you express about it in your Discussion Paper?

We do not believe that adjusting the procedures of the House of Commons – whether through Standing Orders or by legislation – represents a sufficient long-term political solution that will cement the future of the Union. EVEL does not adequately address “the English question” which is that with devolution in Scotland, Wales and Northern Ireland, England has less control over its own affairs than any of the other smaller nations.

Dissatisfaction with EVEL has already been expressed both inside Parliament and elsewhere. The Standing Orders are hugely complicated and the procedures required to undertake proper and robust certification of legislation could be lengthy and complex. It is not difficult to foresee a situation where a question is decided one way by the Supreme Court on a reference from a devolved legislature and the other way by the Speaker on a certification decision under the Standing Orders. This would put impossible pressure on Article 9 of the Bill of Rights.

Additionally, the separation of the House of Lords into English and non-English members is of course impossible while peers continue not to serve in a representative capacity. Having Bills on English matters passing through a House in which influence can be exerted by politicians whose political and other interests all relate to another part of the United Kingdom has the potential to contribute to the perception of unequal governance.

What impact do you expect the new procedures to have?
We believe these will only serve to increase general frustration and confusion, leading to an ever louder demand to have constitutional issues dealt with by substantive legislation and not by obscure procedural technicalities.

Our proposals for options for England and an analysis of the limitations of EVEL are set out more fully in our discussion document “Towards a New Act of Union” in Chapter 3 and Annex 2 respectively.

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