



**The Constitution Unit**

Director: Professor Robert Hazell  
[www.ucl.ac.uk/constitution-unit](http://www.ucl.ac.uk/constitution-unit)  
email [constitution@ucl.ac.uk](mailto:constitution@ucl.ac.uk)  
phone 020 7679 4977  
fax 020 7679 4978





## ***Parliament First—‘Parliament’s Last Chance’***

The Parliament First Group have produced their first major set of recommendations for parliamentary reform. The Group of some 20 includes Mark Fisher, Tony Wright, Kenneth Clarke, Gwyneth Dunwoody, Andrew Tyrie, Paul Tyler and Sir George Young. The main focus is improved scrutiny for both the actions of the Government and the legislation which it brings forward. Most of the demands are familiar— all bills to have a pre-legislative stage, election by the whole House of select committee chairs, more use by Parliament of the work of external regulatory bodies, a greater role for committees. Some are new—a requirement for the Audit Commission (which audits local government spending) to report to a committee, and a review of the appointment and recruitment methods for parliamentary staff.

The pamphlet also calls for MPs to take back control of the weekly agenda of the House, recommending a business committee to replace the ‘usual channels’. Although MPs have the power to control the conduct of business in their own House, in practice they allow the usual channels to decide. Business committees are the norm in other European and Commonwealth Parliaments, as well as in the devolved assemblies in the UK. Without reform of the administrative architecture of the Commons the voice of the backbencher has little institutional support.

## ***Draft Corruption Bill and Galloway investigation***

The former Law Lord Lord Slynn of Hadley has become chairman of the joint Commons/Lords committee on the Draft Corruption Bill (Cm 5777) which will for the first time make Members of Parliament subject to the criminal law on corruption, as part of an overhaul of the



failed to mobilise its supporters. For instance, while the Labour Party more or less held its own in the regional list vote—in numbers it fell by 11%—Plaid’s regional vote collapsed by nearly half, 47%. This setback plunged the party into a leadership crisis. Initially Ieuan Wyn Jones insisted he would remain in office. However, when it became clear that at least half of the Group in the Assembly did not support him he immediately resigned, precipitating a one-member one vote leadership election in the party as a whole. Veteran campaigner, party vice-president Dafydd Iwan announced his candidature, along with former Mid and West Wales AM Cynog Dafis, and it was widely speculated that the former South East Wales AM Phil Williams

Attention now turns to the prospect of referendums being held, according to Minister's predictions, in some English regions in October 2004. The results of the Government's 'soundings exercise' had not been announced at the time of writing, but there were some indications that all three northern regions— the North East, Yorkshire and the North West— may have done enough to be included in any first wave of referendums. At the time of writing the results of the sounding exercise had yet to be discussed in Cabinet, when the prime minister may finally turn his attention to the issue. In an interesting development, Ian McCartney, a longstanding and strong supporter of regional assemblies was appointed Labour Party chairman.

As part of the deal with the Liberal Democrats, the Government has given assurances that it will, subject to parliamentary counsel, produce a draft Bill on the powers and constitution of elected regional assemblies before the first referendums are held, and present it to Parliament for pre-legislative scrutiny next Session. Previously, the Government had said voters would have to rely on the White Paper until the first 'yes' vote, before producing this legislation.

In the North East the District Auditor gave his opinion that the North East Assembly had exceeded its authority by campaigning for an elected assembly. In the North West, the local government issue continued to cause tension with county councils threatening to withdraw their subscriptions from the regional assembly. The shape of future referendum battles is becoming a little clearer.

### *The Centre*

There has been little activity at the mTc-0.sl0yc75 I—49as been little 8en litterest, thbly.

---

## *Civil Service and Government*

---

### *Cabinet Office*

As part of cuts forced on the Cabinet Office by its budgetary difficulties, the Machinery of Government division has been disbanded.



### ***Local Elections***

On 1 May 2003 local elections were held in 340 district level local authorities in England and Scotland. All major parties gained and lost councils though the Conservatives gained 600 seats and 31 councils. The party has now more councillors in Britain than any other party.

## ***Freedom of Information & Data Protection***

### ***Leading the way forward***

At the Constitution Unit/Capita first annual conference on access to information on 14 May 2003 Richard Thomas, Information Commissioner, stated that his top priority has been to reform the Office of the Information Commissioner from a mature data protection organisation to a leading freedom of information organisation. The Commissioner's

---

## *Human Rights*

---

***Unit publication: Health and Human Rights***

This report by Jeremy Croft, was funded and is published by the Nuffield Trust as a guide to the Human Rights Act for health practitioners and policymakers. It considers such questions as whether there is a right to health; why health care professionals should be concerned about respecting human rights; and how to reconcile and balance respect for human rights with public health goals.

---

## *Unit News*

---

## *Publications*

### ***Review: Griffith and Ryle on Parliament: Functions, practice and procedures, 2nd ed by Robert Blackburn and Andrew Kennon, Sweet and Maxwell 2003***

No one outside Parliament reads Erskine May, the bible of parliamentary procedure prepared by successive Clerks of the House (and now in its 22nd edition). When Griffith and Ryle's *Parliament: Functions, Practice and Procedures* first appeared in 1989 it filled an important gap. There is no shortage of general books on the workings of Parliament (mainly by critical commentators such as Peter Riddell, Philip Norton, Andrew Adonis and John Garrett); but for understandable reasons none contains much procedural detail. This book is an invaluable reference for anyone who wants to understand one of the many mysteries in the workings of Parliament, but wants it simply explained in non-mystic language.

But it is much, much more than that. This new edition, by Robert Blackburn and Andrew Kennon, is a completely new book, but remains true to the spirit of the first edition in explaining how the place actually works. Their declared purpose is "to explain, relying heavily on research data analysis, how the functions, procedures and processes of Parliament operate in practice and are utilised politically" (my italics). The book is not just a guide to the rules of the parliamentary game, but explains who generally wins, who loses, and why. And in the batteries of tables, data and statistical analysis, it is a veritable Wisden of parliamentary facts and figures.

And it is more than that again, in offering an assessment not just of parliamentary activity but an evaluation of parliamentary performance. The magisterial final chapter sums up Parliament's achievements and failings. In an age when it is commonplace to lament the decline of Parliament, it is salutary to be reminded how much Parliament has improved. "Fifty years ago, select committees were not allowed to consider policy; they did not receive evidence from ministers; they did not engage specialist advisers; and they took all their evidence in private ... restrictions were imposed on the BBC to limit the reporting of debates. Proceedings in reality at that time were dull and worthy, and largely ineffective."

# BulletinBoard

## ***Unit Publications***

Gay O and Winetrobe BK, *Officers of Parliament—Transforming the role*, ISBN 1 903903 18 1, April 2003, £10

Gay O and Winetrobe BK, *Parliamentary Audit Scrutiny: Innovative and effective?*, ISBN 1 903903 22 X, £15

*Independent Commission on Proportional Representation Interim Report*, April 2003, available free of charge

King S, *Regulating the Behaviour of Ministers, Civil Servants and Special Advisers*, ISBN 1 903903 21 1, June 2003, £8

Cook M, *The Public Interest Test*, to be published this quarter

Trench A, *Intergovernmental Relations in Canada: Lessons for the UK*, to be published this quarter

## ***Constitution and Citizenship Associate Parliamentary Group***

***‘Prime Ministers and the Prerogative’***

Professor Peter Hennessy, Attlee Professor of British History at Queen Mary, University of London

18:00, Tuesday 8 July 2003

Boothroyd Room, Portcullis House

For further information please contact Tony