

## English Votes for English Laws

Wednesday, July 15<sup>th</sup> 2015

The ERS welcomes the government's decision to give greater parliamentary time to the proposed introduction of English Votes for English Laws. However, **this significant change needs full parliamentary scrutiny and should be considered alongside other constitutional issues as part of a citizen-led constitutional convention.** These proposals have constitutional consequences beyond changes to parliamentary procedure and it is right that citizens have a say.

The United Kingdom is an asymmetrical Union, one part comprising 84% of the population. If the UK is to operate as a quasi-federal structure than it must do so in a way that is inclusionary not exclusionary.

The proposals introducing a form of English Votes for English Laws present a significant strengthening of the recommendations of the McKay Commission – a year-long investigation with input from constitutional experts, elected representatives in Westminster and devolved governments as well as many others. The McKay Commission concluded that a process to 'hear the voice from England' was required. However, the Commission cautioned against a veto and sought to avoid proposals that would create two classes of MP. The Commission thought it better to strengthen the ways English (or English and Welsh) MPs could assert their interests without taking away from others.

The current proposals have not been scrutinised by Parliamentary Committee and their full impact cannot be known. Whilst it is right that they are reviewed after a period, starting with more modest proposals would allow for further strengthening in future if needed.

*The ERS also questions why the proposals include an England only Committee stage for bills that are wholly England-only in territorial reach but not an England and Wales-only Committee stage for those bill covering England and Wales.*

**The Speaker will be required to certify the legislative scope of bills but the proposals give no indication as to how these decisions will be arbitrated should there be a challenge to that decision.** With devolution arrangements constantly changing and not conclusive (what counts as a devolved matter in Wales has in some cases been subject to Supreme Court judgement) there is potential for those decisions to be highly controversial.

Controversy is not limited to defining devolved/reserved matters. As the McKay Commission acknowledged, cross-border effects including Barnett consequential are a significant issue. These often indirect and delayed effects cannot be wholly accounted for at the legislative stage.

Whilst these proposals have wider implications for the Union, it is not clear that they will answer the call for greater representation of English concerns. A veto is a negation of the policy of a government and **not** a strengthened role in its creation.

**If the government wants to truly create a voice for England it should consider giving voters in England, and across the UK, a greater say in their government by changing the electoral system to fairly represent their choices at the ballot box.**