

National Assembly for Wales

The West Lothian Commission March 2012

In January 2012 Mark Harper MP, the Cabinet Office Minister, announced the creation of a Commission to examine the 'West Lothian Question – the issue of MPs from the devolved countries voting on laws that only apply to England'.

This paper explains the issues surrounding the West Lothian debate and provides information on the Commission.

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The West Lothian Commission
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Alys Thomas

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The West Lothian Commission

1. Introduction

The agreement that was the basis of the Coalition Government created after the 2010 UK General Election included a commitment to “establish a commission to consider the ‘West Lothian question’” – the issue of MPs from the devolved areas of the UK voting on English matters.¹ The Commission was announced by Mark Harper MP, the Cabinet Office Minister, on the 17 January 2012.² This paper explains the issues surrounding the West Lothian debate and provides information on the Commission.

2. The West Lothian Question

The “West Lothian Question” is concerned with the issue of MPs from Wales, Scotland and Northern Ireland being able to vote on laws in Parliament where the matters concerned are devolved. For example, being able to vote on education and health matters that only apply to England. The term is associated with the former Labour MP for West Lothian, Tam Dalyell, who pressed the Labour Government repeatedly on the question in the 1970s when proposals for Scottish and Welsh devolution were being considered. In the Second Reading Debate of the *Scotland Bill* in November 1977 he stated:

I shall spare the House alliterative lists of being able to vote on the gut issue of politics in relation to Birmingham but not Bathgate. The fact is that the question with which I interrupted the Prime Minister on Thursday about my voting on issues affecting West Bromwich but not West Lothian, and his voting on issues affecting Carlisle but not Cardiff, is all too real and will not just go away.

If these alliterative lists simply symbolised some technical problem in the Bill, the House could be certain that Ministers would have ironed it out since February, if for no other reason than to spare themselves from having to listen to grinding repetition from me. That alone would have been ample reward and would have made their work solving the West Lothian-West Bromwich problem worth while.

The truth is that the West Lothian-West Bromwich problem is not a minor hitch to be overcome by rearranging the seating in the devolutionary coach. On the contrary, the West Lothian-West Bromwich problem pinpoints a basic design fault in the steering of the devolutionary coach which will cause it to crash into the side of the road before it has gone a hundred miles.

For how long will English constituencies and English hon. Members tolerate not just 71 Scots, 36 Welsh and a number of Ulstermen but at least 119 hon. Members from Scotland, Wales and Northern Ireland exercising an important, and probably often decisive, effect on

¹ [UK Government, *The Coalition: our programme for government*, May 2010 p27 \[accessed 19 January 2012\]](#)

² [BBC News, *West Lothian Question commission members announced*, 17 January 2012 \[accessed 19 January 2012\]](#)

English politics while they themselves have no say in the same matters in Scotland, Wales and Ireland? Such a situation cannot conceivably endure for long.³

However, similar issues had been raised a century earlier in the debates on Irish Home Rule. The 1893 Irish Home Rule Bill suggested an ‘in and out’ solution, whereby Irish Members would vote only on bills and clauses with UK wide territorial extent. In the Second Reading Debate Henry James, MP for Bury, stated:

And I say that if the Government and their Representatives had stood before their constituents and told them that either of the alternatives which the Home Secretary says must exist as vital to the Bill would form part of the measure there never would have been a mandate in favour of Home Rule. The alternatives are the **in-and-out system**, and that the **Irish Members should have an entire interest in our proceedings and continue to take complete part in all of them.**[*RS emphasis*]..... I venture now to say that if the constituencies had been told before the General Election that 103 or 80 Irish Members are to take part in our affairs, whilst we are to take no part in the government of Ireland, my right hon. Friends on that (the Treasury) Bench would not be occupying seats there at this moment.⁴

This proposal was removed at committee stage and the final version of the Bill opted for a reduction in the number of Irish Members.

In the 1970s the Kilbrandon Report on the Constitution revisited the case for the “in and out” system concluded that it would not be possible “to devise a scheme that would be free of serious difficulty”:

There would need to be a precise statement of the circumstances in which regional Members could or could not vote. If their ability to vote on any particular matter had to be decided at the time, either by the House or by a Speaker’s ruling which was open to challenge, the position of regional Members would be a continuing political issue.⁵

3. Developments post-devolution

Devolution to Scotland and Wales was a manifesto commitment of the incoming Labour Government in 1997 and it introduced bills in its first parliamentary session. Although the issue of the West Lothian Question was raised during the debates on the *Scotland Bill* and the *Government of Wales Bill*, the UK Government was not prepared to consider any form of ‘in and out’ solution. The position was more complicated in Wales since the devolution bill did not grant primary legislative powers to the proposed Assembly. On Second Reading, the Secretary of State for Wales, the Rt. Hon. Ron Davies MP, stated:

There will be no reduction in the number of Welsh Members of Parliament as a result of the creation of the assembly, because the House of Commons will continue to pass primary legislation for Wales.⁶

³ [HC Debates, 14 November 1977 col 122-3](#)

⁴ [HC Debates, 21 April 1893 col 934 \[accessed 19 January 2012\]](#)

⁵ Royal Commission on the Constitution 1969-73, Report. Vol 1, Cmnd 5460, October 1973 pp.246-7, para.813

⁶ [HC Debates 8 December 1997 c675](#)[accessed 30 January 2012]

The political commentator, Bernard Crick, predicted that in the event of devolution the West Lothian Question “would be lived with”⁷, and in the medium term he was proved right. Labour had a resounding majority in all parts of the UK, except Northern Ireland, and intended abiding by the status quo.

The Conservatives had been raising the West Lothian Question as it became clear that Labour devolution proposals were going to be realised. In 1999, soon after the creation of the National Assembly for Wales the Rt. Hon. William Hague MP, then Leader of the Opposition, tackled the Prime Minister, the Rt. Hon. Tony Blair MP in Prime Minister’s questions:

Mr. William Hague (Richmond, Yorks)

Now that the Scottish Parliament is up and running, English and Welsh Members do not vote on purely Scottish matters. Why does the Prime Minister think that Scottish Members should vote on matters concerning only England and Wales?

The Prime Minister

Because they are all United Kingdom Members of Parliament and we should have one class of United Kingdom Member of Parliament.

Mr. Hague

The Prime Minister has already created two classes of Members of Parliament—those who vote on matters in their own constituencies and those who vote only on matters in other people’s constituencies. Does he agree with the hon. Member for Linlithgow (Mr. Dalyell) who has said that he simply does not have the brass neck to vote on purely English business? In his previous answer, was the Prime Minister ruling out, for this Government, decisions on England and Wales being made by English and Welsh Members of Parliament?

The Prime Minister

The position is the same as it was when Stormont was in existence, for example. In those circumstances, that would be the position again if devolution happens in Northern Ireland. There is one class of UK MP in this Parliament. That is the way it should stay.

Mr. Hague

There is no longer one class of MP. Is not it clear from the Prime Minister’s answer that he does not want to face up to this question, that he has not thought through the consequences of what has happened in Scotland and Wales, that he has not understood that making a success of devolution requires the fair representation of the voters of England, and that, if he refuses to make such changes, he will have weakened the United Kingdom and gerrymandered the British constitution?

The Prime Minister

No, I do not agree with that, for a number of reasons. First, the right hon. Gentleman forgets to point out that all Members of the House vote on overall expenditure in Scotland and Wales. Secondly, he says that it is wrong for Scottish MPs to vote on purely English matters, but he was quite happy for English MPs to vote on nursery vouchers in Scotland and on the removal of responsibility for water services. Most of all, he was quite happy for them to vote to impose the poll tax on Scotland.

I believe that the settlement that we have is sensible. The choice that should not face people in Scotland, Wales or Northern Ireland is between the old system, which had failed—that is

⁷ Bernard Crick, “Ambushes and Advances: the Scotland Act 1998”, *The Political Quarterly* 66, (October-December) 1995. Pp.237-249

why there was so much pressure to change it—and the break-up of the United Kingdom. The real supporters of the Union are those who are able to modernise it and wish to do so .⁸

The Conservatives were to include a commitment to “English votes for English laws” in the 2001 and all subsequent manifestos.

A few instances arose in Parliament where the issue of Scottish votes making a difference was raised, notably where Labour MPs were rebelling against the Government. For example, the *Social Care (Community and Standards) Bill 2003* contained proposals for foundation hospitals. Although the territorial extent of the Bill was “England and Wales” the provisions would not apply to Wales. An amendment removing the foundation hospitals provisions from the Bill fell but would have passed had only English MPs voted. Again, in 2004 Scottish votes were vital in passing the *Higher Education Bill* introducing student top up fees in England.⁹ As Alan Trench noted in *The Scotsman*:

If Scottish Labour MPs hadn't been loyal to the party whip when some of their English colleagues rebelled, these policies would not have reached the statute book.¹⁰

The West Lothian Question has been the subject of several parliamentary inquiries from 1999 onwards and an account can be seen in this [House of Commons Standard Note](#).¹¹

When the Coalition Government was formed in May 2010 the agreement contained a commitment to establish a commission to consider the ‘West Lothian question’.¹² However, the new Government prioritised other commitments in its political reform programme including fixed term parliaments; the AV Referendum and reducing the number of parliamentary constituencies. The announcement that a commission would be set up was eventually made in September 2011.¹³ Mark Harper MP, the Minister for Political and Constitutional Reform stated:

The Government are clear that the commission's primary task should be to examine how this House and Parliament as a whole can deal most effectively with business that affects England wholly or primarily, when at the same time similar matters in some or all of Scotland, Wales and Northern Ireland are lawfully and democratically the responsibility of the separate Parliament or Assemblies. The commission will not examine financing, which is being dealt with separately through various processes led by Treasury Ministers, nor does it need to look at the balance of parliamentary representation, given that Parliament addressed historic imbalances in representation between the constituent nations of the United Kingdom in legislation earlier this year.

⁸ [HC Debates, 14 July 1999 col 401](#) [accessed 31 January 2012]

⁹ Meg Russell and Guy Lodge, “The Government of England by Westminster”, in ed. Robert Hazell, *The English Question*. The Devolution Series, Manchester University Press, 2006 p.72

¹⁰ [Alan Trench, “Answer to the West Lothian is still unclear”, *The Scotsman*, 18 January 2012](#) [accessed 1 February 2012]

¹¹ [HC Library, *West Lothian Question*, Standard Note SN/PC 2586, 18 January 2012](#) [accessed 2 February 2012]

¹² [UK Government, *The Coalition: our programme for government*, May 2010 p27](#) [accessed 19 January 2012]

¹³ [House of Commons, Written Ministerial Statement, Mark Harper MP, Minister for Political and Constitutional Reform, “*West Lothian Commission*”, 8 September 2011, \[accessed 2 February 2012\]](#)

Given the commission's focus on parliamentary business and procedure, the Government believe that the commission should be comprised of a small group of independent, non-partisan experts with constitutional, legal and parliamentary expertise. We will also wish to consult with Mr Speaker and other parliamentary authorities on how the commission can best address this. We will also ensure that there is a full opportunity for the parties to have their say following the completion of the commission's work.¹⁴

4. The Commission

4.1. Membership

On 17 January 2012 the Minister announced that the Commission will be chaired by former House of Commons clerk, Sir William McKay.¹⁵

The five other members of the panel are:

- Sir Stephen Laws, retiring First Parliamentary Counsel;
- Sir Geoffrey Bowman, former First Parliamentary Counsel;
- Professor Charlie Jeffery, the head of social and political science at Edinburgh University;
- Professor Yvonne Galligan, Queen's University Belfast,
- Sir Emyr Jones Parry, the UK's former ambassador to the UN and chair of the All-Wales Convention.

The First Parliamentary Counsel is head of the Office of the Parliamentary Counsel who are responsible for drafting UK Government Bills.

4.2. Terms of Reference

The terms of reference of the commission are:

To consider how the House of Commons might deal with legislation which affects only part of the United Kingdom, following the devolution of certain legislative powers to the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales.

Writing on the UCL Constitution Unit website parliamentary website, parliamentary consultant Barry Winetrobe outlined some concerns about the terms of reference being too narrowly drawn.

I and others have already commented on the narrowness of the Commission's remit, and its prospects for 'success', however that is measured. These are important issues, because, for example, if its report is seen to be timid because of its inherent restrictions, it could inflame rather than quell the claimed resentments in England about the current situation. Not to

¹⁴ [House of Commons, Written Ministerial Statement, Mark Harper MP, Minister for Political and Constitutional Reform, "West Lothian Commission", 8 September 2011, \[accessed 2 February 2012\]](#)

¹⁵ [House of Commons, Written Ministerial Statement, Mark Harper MP, Minister for Political and Constitutional Reform, Commission on the consequences of devolution for the House of Commons, 17 January 2012, \[accessed 2 February 2012\]](#)

mention the possibility of it being largely overtaken by any move towards Scottish independence....¹⁶

5. “English Votes, for English Laws”

“English votes, for English laws” (EVEL), another way of describing the “in and out” proposals discussed above, has often been mooted as the solution to the West Lothian Question but as numerous commentators have pointed out that this is not as simple as it first appears. As Russell and Lodge have argued, the hurdles are technical, political and constitutional.¹⁷

5.1. *Technical*

A technical problem with EVEL is that Westminster bills are not drafted with clear demarcations between the devolved territories and England. For example, the *Health and Social Care Bill* currently reaching the end of its parliamentary passage at Westminster, is introducing far reaching changes to the organisation of the National Health Service (NHS) in England. However, it also contains some provisions that relate to Wales, Scotland and Northern Ireland, for example, concerning the regulation of health and social care workers.¹⁸

All bills contain a territorial extent clause but this does not denote territorial application. As England and Wales is a single jurisdiction bills are described as having a territorial extent of “England and Wales” even when the provisions apply to mainly to one or the other.¹⁹ For example, some Wales only bills went through Parliament prior to 2007 when the Assembly acquired law-making powers. One such was *Commissioner for Older People (Wales) Act 2006* the Explanatory Notes to which state:

The Act principally extends to England and Wales only but amends certain primary legislation which extends to the United Kingdom. However it is primarily concerned with the establishment of a Commissioner for Older People in Wales with powers to review the functions and arrangements of authorities that exercise functions in Wales or in relation to Wales. Consequently the Act primarily applies to Wales. Various powers to make subordinate legislation and other functions are conferred on the National Assembly for Wales.²⁰

The territorial extent of the *Local Government Finance Bill* which recently received Royal Assent extends to England and Wales, although most of it applies only in

¹⁶ [Barry Winetrobe, *The West Lothian Commission: getting it right from the outset*, Constitution Unit Blog, 12 February 2012 \[accessed 9 March 2012\]](#)

¹⁷ Meg Russell and Guy Lodge, “The Government of England by Westminster”, in ed. Robert Hazell, *The English Question*. The Devolution Series, Manchester University Press, 2006 p.85

¹⁸ [Research Service, *The Health and Social Care Bill: Provisions Relevant to Wales*, Research Paper 11/014, February 2011 \[accessed 2 February 2012\]](#)

¹⁹ Meg Russell and Guy Lodge, “The Government of England by Westminster”, in ed. Robert Hazell, *The English Question*. The Devolution Series, Manchester University Press, 2006 p.86

²⁰ [Commissioner for Older People \(Wales\) Act 2006 \(c.30\), Explanatory Notes \[accessed 2 February 2012\]](#)

relation to England.²¹ The Bill provides for changes to business rates and council tax in England. The three clauses relating to Wales amend earlier legislation so that the status quo remains in Wales. As the Assembly now has legislative competence in the area of local government finance any changes relating to Wales would require an Assembly Bill or Assembly consent through a Legislative Consent Motion. In such circumstances would this be considered “an English law” and thus should such a Bill be subject only to “English votes”?

Another argument is that even if legislation could be more clearly distinguished, the current system of territorial financing in the UK via the Barnett formula means that the levels of public finance decided for England determine levels of resource allocation to Scotland and Wales. In the views of some commentators a change to this would be a necessary pre-requisite to any system of English votes for English laws.²² The Barnett formula is currently the subject of bi-lateral discussions between the Welsh Government and Whitehall.

5.2. *Political*

Russell and Lodge note that even if it proved technically possible to isolate clauses that related to one part of the UK, there would be significantly more votes and very complex whipping arrangements.²³

Given the traditional strengths of the political parties in different parts of the UK Trench suggests problems of “governability” would arise if the party with an overall majority at Westminster does not also have a majority of English seats:

That is a problem for Labour but not the Conservatives – Labour might be in a position to form a UK government without a majority of English seats, but the Conservatives would not.²⁴

The House of Commons Briefing Paper explains further:

A UK Government which could command a majority at Westminster only in reserved subjects, such as taxation, benefits and foreign policy, but which could not carry legislation on health, education and social services in England, would be profoundly different in nature from current conventions. In effect, a separate coalition of parties would be needed to command a majority for legislation in England in these devolved areas.²⁵

²¹ [Local Government Finance Bill \[Bill 265\] 2010-2012, Explanatory Notes \[accessed 2 February 2012\]](#)

²² Meg Russell and Guy Lodge, “The Government of England by Westminster”, in ed. Robert Hazell, *The English Question*. The Devolution Series, Manchester University Press, 2006

²³ Meg Russell and Guy Lodge, “The Government of England by Westminster”, in ed. Robert Hazell, *The English Question*. The Devolution Series, Manchester University Press, 2006 p.87

²⁴ [Alan Trench, “Answer to the West Lothian is still unclear”, *The Scotsman*, 18 January 2012 \[accessed 1 February 2012\]](#)

²⁵ [HC Library, *West Lothian Question*, Standard Note SN/PC 2586, 18 January 2012 \[accessed 2 February 2012\]](#)

5.3. *Constitutional*

The constitutional implications of EVEL are that it undermines the concept of all MPs being equal. For some, this is a problem. The Labour Government commented to the House of Commons Justice Committee in 2009:

The Government believes that a fundamental principle of the United Kingdom Parliament is that all MPs have equal rights. This means that each MP can vote on any matter brought before them, whether they represent English, Scottish, or any other constituencies. The Government believes that the proposal for English votes for English laws, would in the end, divide the United Kingdom fundamentally. Quite apart from the considerable difficulties of identifying laws that apply only to England (and some research suggests that it would be almost impossible in many cases), it would create two distinct classes of MPs – those who could vote on all matters before the House, and those whose voting rights would be curtailed by virtue of constituency location. MPs of the UK play a representative role for the whole of the UK in considering legislation, considering the welfare of the UK as a whole, rather than narrow geographic interests, and we believe it is right that all MPs continue to have equal voting rights on all matters before the UK Parliament. Furthermore, the Government is of the view that even matters which may appear confined to England may have an impact on the United Kingdom as a whole. As the Committee have recognised, the funding settlement with the nations and regions of the United Kingdom, means that what is decided on public funding in England affects Scotland, Wales and Northern Ireland. These are national issues which need to be decided by all members in the United Kingdom, not by subsets of Members depending on the location of their constituency. Accepting the principle of English Votes for English Laws would fundamentally alter the relationship between MPs and Parliament, and would lead to the de facto establishment of an English Parliament. As noted above, and English Parliament would lead to the eventual disintegration of the Union, and the Government will not put the Union at risk. In all respects, we are through the Union stronger together, and weaker apart.²⁶

The Conservatives set up a Democracy Task Force on the West Lothian Question which reported in July 2008.²⁷ This suggested that:

- Bills that are certified [by the Speaker] as ‘English’ would pass through the normal Commons processes as far as and including Second Reading. The whole House would vote on Second Reading.
- The Committee Stage, however, would be undertaken by English MPs only, in proportion to English party strengths.
- At Report Stage, the Bill would similarly be voted on by English Members only.
- However, at Third Reading the Bill would be voted on again by the whole House. Since no amendments are possible at this stage, the government party would have to accept any amendments made in Committee or at Report or have the Bill voted down and lost.

²⁶ [HMG. Government Response to HC Justice Committee Report, *Devolution: a Decade On*, Cm 7687, July 2009 \[accessed 3 February 2012\]](#)

²⁷ Quoted in [HC Library, *West Lothian Question*, Standard Note SN/PC 2586, 18 January 2012 \[accessed 2 February 2012\]](#)

The Report concluded:

The current devolution settlement contains long-term risks to the Union. The Democracy Task Force recommends to David Cameron a modified version of ‘English Votes for English Laws’, incorporating English-only Committee and Report stages but a vote of all MPs at Second and Third Reading. We believe that this proposal can remove the main source of English grievance at the current devolution settlement without some of the risks to political stability that critics have seen in proposals for a completely English procedure.

The United Kingdom was traditionally a unitary state without a formal executive-legislative separation of powers. By modifying this structure without moving to full federalism, the devolution reforms of 1997-99 introduced significant anomalies, and any change that seeks to resolve these will continue to have some inconsistencies. There is no perfect ‘answer’ to the West Lothian ‘question’. However, we believe that our proposal is both workable and the best safeguard of the future of the Union.²⁸

6. Opinion

6.1. *Political Parties*

As seen above the **Conservative Party** has espoused EVEL as a solution to the West Lothian Question since 2001. Its 2010 manifesto stated:

Labour have refused to address the so-called ‘West Lothian Question’: the unfair situation of Scottish MPs voting on matters which are devolved. a Conservative government will introduce new rules so that legislation referring specifically to England, or to England and Wales, cannot be enacted without the consent of MPs representing constituencies of those countries.²⁹

However, one senior Conservative, the Rt. Hon. Sir Malcolm Rifkind MP, opposed this and proposed an alternative “East Lothian” solution to the Democracy Taskforce in 2008. He repeated the argument during the Second Reading of [*Legislation \(Territorial Extent\) Bill 2011*](#)³⁰, a private member’s bill. Sir Malcolm argued that EVEL would result in different classes of MP:

It is the idea that Scottish Members-and, one assumes, Welsh and Northern Ireland Members either now or in due course-would be vetoed or prevented from voting on issues that applied only to England. I have always thought that that is a very dangerous and unwise approach. It would manifestly create two classes of Member of Parliament for the very first time since the Act of Union in 1707, and therefore I can only describe it as a nationalist solution to a Unionist problem. I have no doubt that it would be welcomed by the nationalist parties in Scotland and Wales, because it would provide a constant opportunity for them to emphasise the increasing irrelevance of the Union, as they would see it, and to go much further than the

²⁸ Quoted in [HC Library, West Lothian Question, Standard Note SN/PC 2586, 18 January 2012 \[accessed 2 February 2012\]](#)

²⁹ [Conservative Party Manifesto 2010 p84 \[accessed 21 February 2010\]](#)

³⁰ The *Legislation (Territorial Extent) Bill 2011* was a private member’s bill introduced by Harriet Baldwin, MP for West Worcestershire. The Bill applies to draft primary legislation and to secondary legislation published before the parent Act has gained Royal Assent. In these cases, it requires that the draft Bill should contain a statement setting out its legal effects on each nation of the United Kingdom, and that a memorandum accompany the draft showing its financial effects on each nation. The Bill did not proceed to Third Reading stage.

vast majority of people throughout the United Kingdom would currently want. It is not sensible to contemplate having two classes of Member, although not because it could not work.³¹

He continued:

I would strongly argue that the most simple and straightforward solution relates to when a Bill is certified by the Speaker, as my hon. Friend the Member for West Worcestershire indicates, as applying only to England. Doing that, incidentally, is not difficult. Many Bills currently affect England and Scotland or England, Scotland and Wales, because there is no reason at the moment for the draftsmen not to draft them in that way, if it suits their drafting objectives. If the rules change and the draftsmen are required to restrict any Bill to that part of the kingdom to which it overwhelmingly applies, they can draft accordingly if instructed to do so.

Where a Bill applies only to England, the right way to resolve matters would be to say that before it can be approved on Second and Third Reading, it must achieve not only the majority of votes of the whole House but, subsumed within that, a majority of Members representing English constituencies. **In other words, a double majority is required: a majority of the House as a whole and a majority of those representing English constituencies.** [RS emphasis] If it does not meet that target, it cannot be deemed to have been approved on Second Reading. The attraction is that no hon. Member is prevented from speaking in the debate or from voting in the Division Lobby for or against the measure, but the question of whether an England-only Bill goes forward and is given a Second Reading will have been determined by the House to be dependent on a majority of Members from English constituencies voting for it.³²

Other Conservative MPs have argued for an English Parliament to be set up. David T.C. Davies MP said:

..... we cannot possibly have a situation where Welsh MPs can tell the English what to do with their health service and education, but English MPs cannot have any say over what goes on in Wales. Surely the answer for all Unionists across the United Kingdom is to give the English their own Parliament, with powers similar to those of the Welsh and Scottish Parliaments, and have some kind of a federal structure to deal with everything else that matters to the UK.³³

The 2010 **Liberal Democrat** manifesto said that it would “address the status of England in a federal Britain.”³⁴

Welsh **Labour** MPs contributed to a Westminster Hall debate on the West Lothian Question instigated by the Rt. Hon. Paul Murphy MP in March 2011. They were opposed to any changes to their voting rights as MPs. Ian Lucas MP noted that the Conservative manifesto had only referred to Scottish MPs, not Welsh MPs.³⁵

Wayne David MP stated:

³¹ [HC Debates, 11 February 2011 col 608 \[accessed 3 February 2011\]](#)

³² [HC Debates, 11 February 2011 col 608-609 \[accessed 3 February 2011\]](#)

³³ [HC Debates, 29 March 2011 Col 4WH \[accessed 6 February 2011\]](#)

³⁴ [Liberal Democrat Manifesto 2010 p92 \[accessed 21 February 2012\]](#)

³⁵ [HC Debates, 29 March 2011 Col 12WH \[accessed 6 February 2011\]](#)

.....the devolution settlement is far from straightforward. It is not neat; as we say in Wales, it is not tidy. Reference has been made to the block grant, which goes exclusively from Westminster to the Assembly. The assumption is that health and education are devolved matters and are nothing to do with England, but things are not quite that straightforward. For example, even after the referendum, which gave the Assembly legislative powers in clearly defined areas, we still have English and Welsh legislation on health and education, and it is still possible to put forward Welsh clauses with the support of the UK Government.

We in Wales are also mindful of the fact that we have a large border with England. One thing that continually struck me in the Wales Office was the time devoted, quite rightly, to cross-border issues. Offa's Dyke is not that significant or that high, and our border is more apparent than real in many ways. Cross-border issues will therefore always be significant for the UK Government in Westminster and the Welsh Assembly

It is also important to recognise that devolution is very asymmetrical in the UK as a whole and in Wales and England. Wales is relatively small compared with England, and what happens in England inevitably has a tremendous influence on Wales. We see that even on issues that are primarily devolved, such as health and education. The debate on higher education in Wales cannot be conducted in isolation from what is happening in England, as we have seen recently. That reality cannot be denied and it will not go away.³⁶

Several Labour MPs saw English regionalism as the solution to the West Lothian Question.³⁷

Owen Smith MP argued that there were possibly good reasons why the West Lothian Question had not been solved:

Why has it not been addressed? Why has it been placed so often in the "too difficult" box? Is it that those issues are so fiendishly difficult that we cannot possibly address them, or that they are insoluble? I think it is not a cop-out that it has not been addressed. In some respects it is a reflection of the intelligence of this legislature, this House, in realising that certain things—given our unwritten constitution and the historical evolution of our Parliament and representation—will be imperfect, asymmetrical and untidy. To interfere with those things and seek a perfect solution is, in my view, misguided, unrepresentative of the historical evolution of our country and fundamentally problematic. I believe many hon. Members would share the view that an undesirable consequence would be the break-up, the disaggregation of Britain.³⁸

Margaret Curran, Labour's shadow Scottish secretary, expressed her opposition to the Commission:

It can't be right to create second-class MPs based on what part of the UK they come from: every person elected to the House of Commons has responsibility not just to their constituents but to the UK as a whole.

³⁶ [HC Debates, 29 March 2011 Col 15-16WH \[accessed 6 February 2012\]](#)

³⁷ [HC Debates, 29 March 2011 Col 12WH \[accessed 6 February 2012\]](#)

³⁸ [HC Debates, 29 March 2011 Col 18 WH \[accessed 6 February 2012\]](#)

That is a fundamental principle of devolution: to take decisions in the right place to reflect the different nations that make up the UK but that the House of Commons operates for the country.³⁹

Plaid Cymru MP Jonathan Edwards , commenting on the appointment of the Commission, said the problem for Wales was not the small number of Celtic MPs voting on English matters, the real issue was the dominance of the Commons by English MPs, and the operation of the Barnett Formula, which provided unfair funding for Wales.

In the context of the widespread changes as a result of the Scottish referendum, this commission is really tinkering at the edges,” he warned.

The reality is that a Parliament where more than 80% represent one country is always going to be skewed in one direction, with or without Scottish independence.⁴⁰

6.2. *Public Opinion*

A recent report by the Institute of Public Policy Research (IPPR) set out to measure attitudes in England to the different constitutional options and found evidence to suggest that England was “emerging as a political community”.⁴¹ The survey found that:

- There has been a sharp rise since 2007 in the proportion of English voters who say they agree strongly with barring Scottish MPs from voting on English laws.
- Having initially been content for England to continue to be governed by an unreformed set of UK institutions at Westminster, support for the status quo has now fallen to just one in four of the English electorate. 59 per cent say that they do not trust the UK government to work in the best long-term interests of England.
- English voters appear to want what the Report calls an ‘English dimension’ to the country’s politics – that is, distinct governance arrangements for England as a whole.
- ‘English votes on English laws’ is supported by 79 per cent of the English electorate.⁴²

³⁹ [Guardian, West Lothian question “risks creating second class MPs, 17 January 2012 \[accessed 21 February 2012\]](#)

⁴⁰ [Daily Post, Welsh MPs vote inquiry slammed, 17 January 2012 \[accessed 21 February 2012\]](#)

⁴¹ [Lodge G and Wyn Jones R, The dog that finally barked: England as an emerging political community, IPPR, 23 January 2012 \[accessed 21 February 2012\]](#)

⁴² Ibid.