


The Government's narrow EVEL proposals are likely to repeat the mistakes of the past

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By Democratic Audit UK

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*In the wake of the Referendum on Scottish Independence, the Prime Minister announced that he would be reforming the operation of the House of Commons in order to disqualify Scottish Members of Parliament from voting on legislation deemed to be 'English only'. On July 2nd, the Leader of the House of Commons Chris Grayling announced what form this reform would take. **Iain McLean** argues that these proposals, which he terms 'narrow', risk repeating the mistakes of the past when the UK government wrestled with similar issues vis Ireland.*



On 2 July, the Leader of the Commons, Chris Grayling, made a statement about the Government's plans for 'English votes on English laws'. He opened his statement by announcing "As an Administration we are passionate supporters of the Union". He went on:

*[Y]ou, Mr Speaker, will be asked to certify whether a Bill, or elements of it, are devolved in Scotland, Northern Ireland or Wales, and are therefore to be treated as England only. It is very much like the way that you currently certify whether a matter is a financial one, and therefore a matter for the Commons only.... There will be new stage of parliamentary consideration before Third Reading, in which English, or English and Welsh MPs will be asked to accept or **veto** English and Welsh provisions that meet that devolution test.*

For England-only bills, Committee-stage consideration will be undertaken by English MPs. That will give them a voice in shaping the content of laws that affect their constituents.... [W]hen Lords amendments are considered in the Commons, all Members of Parliament will vote on them, but where those amendments affect England, or England and Wales only, they will need the support of a

*“double majority” in the House of Commons, with **both English and UK MPs needing to support an England-only amendment for it to pass.** (Commons Hansard 2.07.15; my emphases).*

The statement was poorly received by the Opposition parties (especially the SNP) and by the liberal media. Is the proposal fair? Is it workable? Its critical weakness was immediately pointed out by the SNP. The statement went on;

*Other key votes determining the distribution of spending will also be covered by those changes, such as on the revenue support grant in England and police grants in England and Wales. **Overall spending levels will remain a matter for the whole House.** (my emphasis)*

But, said the SNP, the ‘Barnett’ arrangements for determining block grant to Scotland are a function of spending in England on services which are devolved to Scotland. These include both revenue support to local authorities and police grants. Therefore, such matters are not England-only. To this, supporters of the government have two ripostes.

- *You have changed your tune. SNP MPs have previously promised not to interfere on England-only matters . To which a rough-and-ready reply is. That was then, when we had six MPs. Now we have 56, and that is just when you want to exclude us.*
- As Mr Grayling said in his statement and again on the BBC *Today* programme on 3 July, *the whole House gets to vote on the overall Budget.* Yes, but the whole House never gets to voter on the Treasury ‘Statement of Funding Principles’, which determines Barnett grant: because nobody does. It has never been put to the House.

The SNP therefore has the better of those arguments. The historical record suggests that if Mr Grayling is a passionate supporter of the Union, he is going a funny way about it.

From 1880 to 1918, the Irish Party was in the same position as the SNP is now. It won almost every seat in Catholic Ireland. Then as now, the electoral system meant that the nationalist party could win every seat on much less than every vote. The smartest leader of the Unionist Party, as the Conservatives were then called, was Lord Salisbury, Prime minister three times between 1885 and 1902. He considered two ideas that might have kept Ireland in the Union. One was proportional representation, which would have led to a dent in the monolithic Irish Party bloc. The other was a deal for limited devolution for Ireland. This was negotiated by his envoy, Lord Carnarvon, in secret in 1885, and was enough to convince the Irish leader Parnell to ask the Irish in Britain to vote Tory in the 1885 General Election. But Salisbury dropped the idea of PR and repudiated Carnarvon. Instead, he went with the tactically smart and strategically calamitous advice of Randolph Churchill:

If the GOM [Gladstone, the Liberal leader] goes for Home Rule, the Orange card will be the card to play. Pray God it will be the ace of trumps and not the two.

The Conservatives allied with the Ulster Protestant slogan ‘Home Rule is Rome Rule’, tying themselves to a group with which they had neither class nor religion in common. Parnell was forced into the deadly embrace of the Liberals. It was deadly for both, leading as it did to the Easter Rising, Irish independence, and the collapse of the Liberals as a governing force between 1916 and 1924.

Unionists at the time believed two incompatible things: that Ireland must forever be part of the UK, and that the votes of the MPs elected from Ireland must forever be ignored. Last week’s statement seems to repeat that mistake. For passionate supporters of the Union, it may end badly as it did last time.

A separate problem with the proposals is that it puts the whole burden of determining what is an English bill on the shoulders of the Speaker and his staff. Speaker Bercow has broad shoulders. But every fierce political controversy risks becoming a controversy about the Speaker's ruling. This is likely to lead to serious challenges (probably from both sides) to the impartiality of the Speaker.

Several committees and think-tanks have considered the notorious 'west Lothian question', which Mr Grayling's proposals are offered to solve. None has previously thought that a scheme as narrow as Mr Grayling's could work. I think they are right.

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