

# EVEL intentions, or a necessary solution? Experts respond to the Government's English Votes for English Laws proposals

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By Democratic Audit UK

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*The Leader of the House of Commons, Chris Grayling, last week announced the introduction of English Votes for English Laws – a new constitutional settlement to provide an answer to the “West Lothian Questions”. Democratic Audit asked experts **Andrew Blick**, **Louise Thompson**, **Alan Trench**, and **Akash Paun** to give their take on the proposals.*

## ***Dr. Andrew Blick, Lecturer in Politics and Contemporary History, Kings College London***

*This proposal fails to address the most problematic issues arising from asymmetrical devolution in the UK, and the answer it provides to what is a lesser question threatens to create rather than lessen tensions. It is the lack of devolution in most of England, not the existence of devolution in Scotland and elsewhere, that is wrong with our present system. Altering voting arrangements in the UK Parliament does nothing to address this shortcoming. Only the transfer of powers to existing local authorities or the creation of elected regional assemblies in England can work. The obsession with blocking Scottish MPs from helping decide certain issues distracts from this need, and stores up potential major problems for the future. It could create a scenario in which the UK Parliament and government are divided between two rival controlling groups. In creating different classes of MPs, it is a propaganda gift for the Scottish independence movement. For these reasons, EVEL is the unionism of fools.*



## ***Dr Louise Thompson, Lecturer in Politics, University of Surrey***

*At first glance it sounds fantastic that the government are answering a question that has plagued British politics for decades. There are a whole host of political reasons why the plans for English votes for English laws may prove to be unworkable. Opposition MPs are cynical about the plans, feeling that the Government are simply making their position more comfortable through their **60% majority in England** and making things more difficult for a future Labour Government who would struggle to command a majority across English constituencies alone. This is exacerbated by the decision not to change any procedures in the Lords, meaning that Scottish peers can still help ‘England only’ bills reach the Statute Book.*



*But it is the practicalities of the plans which should be of more concern at the moment. The changes to the Standing Orders are not simple (they take up **31 pages**) and make the legislative process even more complicated than it already is. The Speaker is left with the tricky job of deciding which bills (or parts of bills) should be considered English only or English and Welsh only. Given that the Commons*

library finds [only a handful of bills](#) which we can be sure affect England only and that [only 0.7% of divisions in the House since 2001 would have had a different outcome](#) without the help of Scottish MPs, it could easily be argued that such a complex change is not really worth all the hassle. And given that the changes are being made through the Standing Orders, we could find that a new Government in 2020 would simply reverse them.

**Alan Trench, Author, [Devolution Matters blog](#) and Adviser to the [Bingham Centre for the Rule of Law's Devolution review](#)**

[Chris Grayling's proposals for English votes for English laws \(EVEL\)](#) should not be much of a surprise. They are very largely a straightforward implementation of 'option 3' set out by the party in the [December 2014 Command paper](#), endorsed in a [speech by William Hague in February 2015](#) and set out in [the party's election manifesto](#). The Conservatives will claim credit for having done what they said they would.



In doing so, they have not addressed some key problems. First, they have abandoned the [McKay Commission's test](#) of provisions having a 'separate and distinct' effect for England. That had the merit of principle. Instead, the test is whether a provision 'relates exclusively' to England. But, second, that test is mis-applied; provisions may relate to England in a legal sense but have a major effect on devolved governments, whether through the Barnett formula and consequential changes in funding, or across a border (a major issue for Wales if not Scotland). This means, third, that the problems arising from a piecemeal approach to constitutional change have been maintained and aggravated, not resolved.

There are ways of implementing EVEL that would give England the distinct voice in the Union that it badly needs. That needs a much further-reaching reconstruction of how legislation works, and perhaps the machinery of government too. We canvassed these issues in the [recent Bingham Centre devolution review](#), and set out a path to achieve it. (The report can be downloaded [here](#).) Instead, the Conservatives have ticked a box on their to-do list, but stored up yet further problems for the future.

**Akash Paun, Fellow, [Institute for Government](#)**

What does [EVEL mean for the] constitution? Increasingly we are hearing the F-word (federalism) mentioned as a model for a new reformed Union. And arguably, EVEL does move us closer to a federal settlement, in that it starts to delineate the English from the British elements of what Westminster and Whitehall do. There will, for the first time, be four nations (if Northern Ireland can be so described) visible in the design of our constitutional structures as well as in our political culture.



This will be a long way from a fully federal system, with a written constitution, courts to rule on disputes between tiers of government and a formal end to the doctrine of unrestricted parliamentary sovereignty, which implies the right of Westminster to overrule devolved bodies. Nor will there be a separate English Parliament. However, if a future UK government is in a minority in England, we may

*then see English MPs challenge the supremacy of the House as a whole. An Opposition with an English majority might claim a mandate to determine domestic policy and spending or even to run departments such as health, education and communities and local government.*

*A future UK government could seek to repeal EVEL and abolish the new legislative consent requirements, but it might find this politically difficult if the reforms bed in over the coming years. And since the Government has a majority across the UK as well as in England, the intention is for this bedding in process to take place at a time when it will have a limited practical effect on the government's ability to get its business through the House.*

*[This is an excerpt of a blog from the Institute for Government website](#)*

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