

CONSTITUTION UNIT MONITOR 56 / FEBRUARY 2014

Code of Constitutional Standards

In January the Unit published a code of constitutional standards based on the reports of the Lords Constitution Committee. The code is based on 149 reports published by the committee since it started in 2001. The analysis was done by Jack Simson Caird, supported by Robert Hazell and Dawn Oliver. The resulting code contains 126 standards, organised under five headings: the rule of law; delegated powers and delegated legislation; separation of powers; individual rights; and parliamentary procedure.

The Constitution Committee scrutinises every bill for constitutional issues, but has always adopted an ad hoc approach. It decided at the start not to draw up a set of constitutional norms to apply to its legislative scrutiny. But with over ten years' work and almost 150 reports it is possible to derive a set of constitutional norms from its scrutiny work, some generic and some specific to the bill in question. ganiidocedur important constitutional developments in the UK and throughout the world. We will keep you in touch with developments through future issues and our website. **If you would like to receive Monitor electronically, just send an email to constitution@ucl.ac.uk.**

The Yes campaign has also been hindered by the reluctance of the UK government to become a direct player, with (for example) David Cameron refusing to take part in TV debates with Alex Salmond. Instead, it has passed this role to the cross-party pro-union 'Better Together' campaign, led by Alistair Darling MP. In this respect, the UK government has echoed the SNP by leaving the campaign to Scottish politicians operating within Scotland. The Yes side's desire for a 'made in Scotland' constitutional process has in this respect worked against it.

The UK government's response has been its ongoing series of 'Scotland Analysis' papers. Three have been published since the autumn: on defence, security issues (including intelligence), and science and research funding. All are intended to be factually-based analyses of how the Union serves Scotland, though they also serve to highlight what Scotland might lose from the Union as a result of independence. A number of (UK) parliamentary select committees have published reports with similar themes, including recently the Commons International Development select committee.

More broadly, the No side's campaign so far has been broadly negative, emphasising more the problems of independence than a positive vision for the reformed union. The Yes side has taken to characterising this as 'Project Fear'. The No campaign and UK government strategies have, however, prevented the Yes side from using many of the weapons they would wish; they have so far prevented the SNP from mobilising anti-Conservative feeling, or turning the debate into a 'Scotland versus UK' one.

Although a form of extended devolution is clearly the preferred constitutional option of Scottish voters, little progress has been made so far by the pro-union side in formulating such an option or using it in the referendum campaign. While work is underway within both Labour and Conservative parties to formulate such a scheme, neither project appears to be making rapid progress. Failure to come up with one may have more tangible consequences as the poll nears and the campaign heats up – especially given Conservative proposals for more cuts in public spending, particularly on welfare, if returned after the 2015 UK election. The prospect of such a Conservative government may be the SNP's strongest weapon in the run-up to September's poll.

Wales: implementing Silk

The end of 2013 at last saw serious moves regarding the long-delayed response of the UK government to the Silk Commission's report on fiscal devolution. In November, the Prime Minister and Deputy Prime Minister announced that the Silk recommendations would in large part be implemented: there would be devolution of 10 'points' of income tax, plus landfill tax and stamp duty land tax, accompanied by borrowing powers. Approval in a referendum would be necessary for devolution of income tax.

In many respects, this resembles the package of 'financial accountability' enacted for Scotland by the Scotland Act 2012, though with a referendum added (in such a way as to give the Welsh government an option whether to seek those powers or not). As for Scotland, there will be a 'lockstep' for income tax; the same Welsh rate must be set for all three tax bands, without any devolved choice about having different devolved rates. This was a significant departure from

EMOs will have three categories of staff: civil servants in the traditional Private Office role, Special Advisers, and external appointees. The main expansion is likely to be in the third category, and the Civil Service Commission have created a new exception to allow recruitment without competition of chosen individuals as temporary civil servants for up to five years. The previous maximum was two years: the new exception will allow outsiders to be recruited for the whole of a parliament.

Ministers who want an EMO will need first to agree the mix of staff and the budget with their Permanent Secretary, before seeking the

New constitution in Egypt

Last year at this time, Egypt had just promulgated its new constitution. Since then, there have been regular street

The Seanad has very little formal power and has been used as both a nursery and a retirement home for politicians. Most senators are elected by other politicians and the government of the day is guaranteed a permanent majority. Only six seats allocated to university constituencies are directly elected by those who hold degrees from either Trinity College Dublin or the National University of Ireland. Nonetheless, the university constituencies have traditionally provided a platform for alternative voices in Irish politics, such as former President Mary Robinson and long-time gay rights campaigner David Norris. The Irish government sought to capitalise on an anti-politics feeling by arguing that the abolition of the Seanad would reduce the cost of politics. However, its proposed alternative – never wholly spelled out but revolving around a more robust committee system in the Dáil (lower house) – failed to convince. The weakness and uncertainty of the proposal allowed opponents to present the referendum as a populist political stunt. Following the defeat the government agreed to examine ways in which the Seanad franchise could be extended universally within the limits of the current constitutional framework.



The New Political Class? The changing socio-economic profile of PPCs and MPs in Britain, 1945-2015

Dr Jennifer van Heerde-Hudson (Principal Investigator, UCL) and Dr Rosie Campbell (co-Principal Investigator, Birkbeck) have been awarded a grant from the Leverhulme Trust (RPG-2013-175) to investigate Britain's changing political class.

The motivation for this project emerges from an oft-cited, widely-held belief that the political parties, politicians and policymaker

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