

Contents	Pg
Devolution: The Inside Story	
Wales	3
Scotland	3
Northern Ireland	4
Whitehall and Westminster	4
Constitutional Update	
Queens Speech	5

Overseas News	
Australian Referendum	6
New Zealand PR Election	6
Constitution Unit News	
Hail and Farewell	6
Seminar and Lecture Program	6
Annual Subscription 2000	6
Project Reports	7
Coalition Government	
The Unit's Anniversary	
Intergovernmental Relations	
Seminars	
Lords Reform and Human Rights	
Scottish Independence	
Bulletin	8
Public Affairs	

The

sponsored by



Subscribe to the Unit's publications in 2000

Contact School of Public Policy

Tel: 020 7504 4977 **Fax:** 020 7504 4977

*hereditary peers, 527 life peers,
26 bishops and 27 current and
former law lords.*

Lord's Reform Cont.

The choice of the other 92 hereditaries was begun in October with the appointment of the existing Earl Marshall (Duke of Norfolk, Conservative) and Lord Great Chamberlain (Marquess of Cholmondeley, crossbench), followed by the election of 15 other office holders by the whole house. Following agreement between the parties these positions were shared, with nine Conservatives, two Labour, two Liberal Democrats and two crossbenchers elected. The remaining 75 peers were elected by their party groups in November, with the agreed numbers of 42 Conservative, 28 crossbench, three Liberal Democrat and two Labour peers elected. In total only four of the hereditaries elected (all of them crossbenchers) were women.

The Royal Commission

Proposals for the long-term future of the house are due from the Wakeham commission by the end of the year. Given the millennium festivities, publication seems likely in January. A leak to the *Sunday Telegraph*, purporting to be a draft of the report, created much interest. This proposed a chamber with new powers to scrutinise government and protect the constitution, and retaining a one year delay over ordinary legislation. However, only 100 members would be elected, with 400-500 appointed. There would be real concerns about the ability of such a chamber to use its powers. The composition proposals, which were at best an early draft, were not well received.

Lessons from Overseas

In deciding the future of the UK upper house, a key source of information is the operation of second chambers in other countries. These are the sources tapped in the Constitution Unit's latest book, which is the result of a year-long study funded by the Leverhulme Trust.

For example the Canadian Senate - the only wholly appointed upper house in a Western democracy - reinforces the view that a chamber comprising wholly or largely of appointees is unlikely to be able to challenge an elected lower house. The other six chambers studied in the book represent a range of the powerful and the

weak, the directly elected, indirectly elected and appointed, in unitary, quasi-federal and federal states.

One key finding of the study was that a successful upper house must combine three elements:

- A composition which is distinct from that in the lower house. With a party-dominated House of Commons this requires that government should not control the upper chamber - the most effective chambers are controlled by neither government nor opposition.
- Sufficient powers to require government to think again. The Lords' existing powers over legislation are moderate in international terms. Most upper houses have additional powers over constitutional change.
- Sufficient legitimacy in the eyes of the public to use its powers, or realistically threaten to do so. Recent British history, and Canadian experience, show how difficult it is for an unelected house to challenge an elected one.

The conclusions in the book are wide-ranging, covering the role that a new upper house should take, and how that might link to other aspects of the constitutional reform programme such as devolution and human rights, as well as issues of composition. Options such as direct and indirect election, and appointment, are discussed, along with options for the size of the chamber, distribution of seats, and electoral systems.

One of the clearest lessons from overseas is that second chamber reform is difficult to achieve. Reform remains an aspiration in five of the seven countries studied. 'Transitional' arrangements have a habit of becoming permanent, as neither governments nor lower house members have a strong incentive to build an effective upper house. Reformers in the UK will need to keep up strong pressure after the Wakeham report if further reform is to be achieved.

To order Meg Russell's book *Reforming the House of Lords: Lessons from Overseas* (Oxford University Press, 2000, ISBN 0198298315) for the reduced price of £14, plus £2 p&p, complete the flyer enclosed with this mailing.

Devolution - The Inside Story

Wales

by John Osmond

Ron Davies' famous comment that 'devolution is a process, not an event' has continued to provide the framework within which the minority Labour government in Wales has struggled. Meanwhile, its originator finally fell from grace when forced to give up chairing one of the Assembly's committees. He, along with the other three MPs elected to the Assembly, has announced that he will give up his Westminster seat at the next election.

Responses have differed to the 'process or

Australian Republic - Referendum Fails

On November 6 Australians were faced with

Bulletin Board

New Publications from the Unit

Reforming the House of Lords: Lessons from Overseas by Meg Russell
Jan 2000, OUP £18.99, Constitution Unit £16

Citizens, Corporations, Parties and Government: rights and responsibilities in the new democracy
The Constitution Unit Annual Lecture by Rt Hon. Jack Straw MP, Oct 1999 £5

Publications Received

Devolution and Concordats
by Oonagh Gay
Parliament and Constitution Centre, Research Paper 99/84 ISSN 1368-8456,
Oct 99 <http://hcll.hclibrary.parliament.uk>

The House of Lords Bill - Lords Amendments Bill 156 of 1998-99
by Oonagh Gay and Edward Wood
Parliament and Constitution Centre, Research Paper 99/88 ISSN 1368-8456, Nov 99,
<http://hcll.hclibrary.parliament.uk>

Government's Response to the fourth report from the Procedural Committee: Procedural Consequences of Devolution
20 Oct 1999, HC814, Journal Office,
House of Commons, tel: 0171 219 3318

Towards a Constitutional Bill of Rights for the United Kingdom
by Robert Blackburn
Constitutional Reform Series, Pinter
HB 1 85567 529 3, Sept 1999

The Executive in the Constitution: Structure, Autonomy and Internal Control

