

Joint Committee on the Fixed-term Parliaments Act

Oral evidence: [Review of the Fixed-term Parliaments Act](#), HC 1046

Thursday 4 February 2021

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Members present: Lord McLoughlin (Chair); Lord Beith; Aaron Bell; Jackie Doyle-Price; Dame Angela Eagle; Maria Eagle; Peter Gibson; Mr Robert Goodwill; Lord Grocott; Lord Jay of Ewelme; Baroness Lawrence of Clarendon; Lord Mancroft; Mrs Maria Miller; John Spellar; Alexander Stafford; Mr Shailesh Vara; and Craig Whittaker.

Questions 283 - 326

Witnesses: **Dame Margaret Beckett MP**, gave evidence.

Examination of witnesses

Chair: Welcome to this Joint Committee on the review of the Fixed-term Parliaments Act. A very warm welcome to Margaret Beckett, who has agreed to give evidence this morning on a number of areas. She is one of only two Members of the House of Commons who were there for the motion of no confidence back in 1979, so she has witnessed a no confidence vote and has a full understanding of it. Thank you very much, Margaret, for giving us evidence this morning. Baroness Lawrence is going to ask the first question. Doreen?

Q283 **Baroness Lawrence of Clarendon:** Good morning, Dame Margaret. I found it interesting to read about the 1970s when you were in Parliament. As somebody who has no parliamentary background, it was interesting to read about all the stuff that happened during that time. How do you understand the conventions on Dissolution and Government formation to have operated prior to the passage of the Fixed-term Parliaments Act?

Margaret Beckett: Basically, it was at the discretion mostly of the Prime Minister, although of course that discretion was fettered by decisions of the House of Commons. Obviously, if there was a vote of no confidence passed, that was it—it was basically out of the hands of the Prime Minister. There was a formality, I felt, that the Prime Minister had to go and seek a Dissolution. Fundamentally, it was in the hands of the Prime Minister as a rule, except when the Prime Minister lost the confidence of the House as an individual—when the Government had a majority and could continue, but the Prime Minister could not.



HOUSE OF COMMONS

Q284 Lord Jay of Ewelme: Good morning, Margaret. As one of the few members of the Committee who remembers dealing with Harold Wilson as Prime Minister, I want to ask you a question about the February 1974 election. Things are pretty tough now, but they were pretty tough then as well. If Harold Wilson had been defeated in the Queen's Speech in March 1974 and had sought a Dissolution, would the Queen, in practice, in your view, have been able to refuse?

Margaret Beckett: That is one of those "What if?" questions. There cannot be a factual answer. There can only be a guess and judgment answer. I think it would have been very difficult for the Queen to refuse. It would be different if it were Ted Heath saying it, and if somebody who had sought a Dissolution came back and said, "I can't get my Queen's Speech through. I want another election." Harold Wilson had not had the opportunity to put his case as a potential Prime Minister, so it seems to me that it would have been very difficult for the Queen to refuse, and it certainly could have looked politically disadvantageous for the Crown, so my instinct is that, in practice, the Queen would not have been able to refuse.

Q285 Lord Jay of Ewelme: If, despite that, she had refused, what would have happened? Would there not have been a Dissolution, and would Edward Heath have had another go, or been asked to have another go?

Margaret Beckett: We really are in terribly uncharted territory, because, as I recall—I am happy to be corrected by those who have studied the period, as opposed to having lived through it—Jeremy Thorpe, to my mind very arrogantly, was saying that his Liberals would go into coalition, but would not work with either Ted Heath, who was the choice of hundreds of Tory MPs, or Harold Wilson, who was the choice of hundreds of Labour MPs. He demanded somebody new, so what would have happened, I really do not know.

Chair: Alan, you wanted to come in on this.

Q286 Lord Beith: Of course, it is open to a minority party in that situation to set its own terms, whatever they be, and be answerable for those terms to the electorate. That was not the point I wanted to raise. I want to look at the same situation from a different angle, based on what was the case. Harold Wilson did not lose the vote on the Queen's Speech, because neither the Conservative party nor the Liberal party wanted to go straight back to the polls. What would have been the position if Harold Wilson had gone to the Palace and said, "I haven't got an overall majority. I want to go to the country and say, 'Give me the tools to do the job and let me get on with it'," which is essentially what he did in October of that year, when you were elected for Lincoln? If he had tried to do that straightaway, in circumstances where he wasn't going to be defeated on the vote of confidence—the Conservatives were making sure that they didn't turn out enough people for him to be defeated at any stage in that period—could the Queen have refused, on the grounds that it was too soon to have another general election and the people had given their verdict?

Margaret Beckett: I suppose in principle she could, but I have to admit it would have been a very high-risk strategy.

Q287 Lord Beith: A high-risk strategy on whose part? For the Palace?

Margaret Beckett: The greatest danger for the Crown is that the Crown appears to be acting politically.



Q288 **Lord Beith:** Isn't the real situation that the advice given to Harold Wilson at the time would be, "It would be a little premature, Prime Minister, to seek another election so soon after this one. Give it a few months and see how things get on. Maybe it will be more reasonable to put the matter to the Queen then"?

Margaret Beckett: Quite possibly that was the advice he was given.

Q289 **Lord Mancroft:** Dame Margaret, can I ask you to go back to the answer to the first question? Can you confirm that it is your view that a vote of confidence is lost by the Prime Minister, not the Government?

Margaret Beckett: It rather depends on the circumstances. I suppose in principle it is the Government who have lost, but if there is a feeling that the Government have only lost because that particular Prime Minister has led them into that position, and that somebody else would be able to solve it, to my mind, at any rate, it is the politics of the thing that matters. Bear in mind that I am a mere metallurgist—I did not study PPE; I just joined the Labour party—so I do not speak having done the extensive studies that other people have. There could be circumstances in which the House might be very well aware that someone else could take things forward, and in that case, the Prime Minister would go, rather than the Government resigning.

Chair: Bearing in mind that you have been practising politics for some considerable length of time, I think your description of your earlier job is not characteristically straight. Angela Eagle, do you want to come in? Help me out on this, quickly.

Q290 **Dame Angela Eagle:** As someone who did study PPE but joined the Labour party long before I started studying it, I have to say I found the study of PPE disappointing compared with the actual practical experience you get from doing politics. I suspect that you feel the same, Margaret.

Under the old system, were major policy votes necessarily matters of confidence in the Government? I am thinking of things like, for example, the Syria vote, where David Cameron suffered a loss on what was clearly an important policy for him, or some of the votes that Theresa May lost on her deal.

Margaret Beckett: No, they weren't necessarily a matter of confidence, particularly depending on the nature of the Parliament. If you have rather a hung Parliament, you would definitely be wary about saying something was a vote of confidence. I make a distinction between the Syria vote and the defeats that Theresa May suffered.

To my mind, to be quite honest, the Syria vote was a self-inflicted wound. I thought that David Cameron's behaviour was bizarre. He lost his temper; he came to the Dispatch Box and said, "That's it! I've had it."

Let's not forget the circumstances: we were in recess. We were, as I recall, due to come back from recess on the Monday, and he summoned us back two or three days earlier, which was a great disruption to everybody, to rush this thing through. I was about to say, "It was perfectly evident", but this is my view; I mustn't presume that everyone else thought the same, though I think quite a lot of people thought this. My view was that the Government were happy to rush into it, but hadn't the faintest idea of how to get out of it. The Government's case did not seem well thought through, or well prepared.



I thought then, and I think now, that if David Cameron had bitten his tongue and said, “That’s very disappointing. I will consult Parliament and bring this back,” the following week, even, he probably would have got it through.

Q291 Dame Angela Eagle: It was announced on Twitter that they were going to do this, which I think annoyed quite a lot of people. Certainly, a lot of people who voted not to have this action were expecting a little more co-operation between parties to try to find a way forward; instead, that was immediately abandoned.

Margaret Beckett: Exactly. I think lots of things had annoyed people. I take a rather different view of the Theresa May case.

Q292 Dame Angela Eagle: Right. I suppose what we are trying to explore is this: the draft Bill says, “The world shall be as if the Fixed-term Parliaments Act never existed.” There are only 150-odd people in Parliament who were in the Parliament before the Fixed-term Parliaments Act, and who remember the conventions as they were then. We are trying to establish whether it is possible to know what those conventions were, so that they can be respected in future, especially given that we have a Government who seem routinely to ignore conventions—who ignore Opposition votes and all the rest of it. I wonder what your thoughts are about how robust this “We will return to how it was” approach in the draft Bill is, as a centrepiece of our constitution.

Margaret Beckett: I gather that there are people who say that you can’t just go back—you can’t restore a convention—but I don’t know why not. We have an unwritten constitution. In my view, you can do almost anything if there is the parliamentary support for it. The system seemed to me relatively simple and straightforward. It is not as if it was complicated. Explaining the Fixed-term Parliaments Act is complicated and difficult, but the status quo ante was not complicated and difficult; it was relatively straightforward. The only area for argument or dispute is on whether, if it is not an explicit vote of no confidence, a matter has become a confidence issue. I don’t think it is difficult for people to understand, and consequently it seems to me that it would be relatively easy to go back to something like the previous circumstances, which I think would be desirable.

Q293 Dame Angela Eagle: A final question: given that very clear view, do you think there is enough agreement about what those conventions ought to be, and is there a willingness in Governments lately to abide by conventions, rather than ride roughshod over them? If you worry about that, is there something that might be put in a Bill to restore the status quo ante that might give a bit extra confidence and more protection than the gentleman’s agreement, as it’s referred to?

Margaret Beckett: There are two different things there, really. I think the issue of what happens if there is a vote of no confidence is relatively straightforward. It only gets complicated if you are in the area where this is a matter of such substance in the Government’s programme that it is in effect almost a confidence issue. That is where the delicacy comes in, and where the politics comes in.

I do feel very strongly that there has been an absolute disregard for the conventions of the House in a way that has been very dangerous—particularly, I am sorry to say, under the premiership of Theresa May. There is no doubt in my mind that that is very dangerous. I understand completely the argument that relying on a sort of gentleman’s agreement is not



very satisfactory, but it might be the best you can do in the short term. Then, if it looks as if people are not going to observe the conventions, you might have to think about how you could secure it. In the end, an awful lot of this comes down to the nature of the Parliament and the wider circumstances.

The '74 Parliament was an utterly different animal. I remember what people call the Wright reforms, at almost the end of the Blair Government. People who were leaving decided to make changes; I remember how they all chuckled as they went into the Division Lobby, leaving the expression of their prejudices behind for the rest of us to cope with. I said to Tony Wright, "Look, Tony, a lot of this is all well and good, but you and nearly all the people voting with you have only been in a Parliament with a thumping great majority. If you were in a Parliament like 1974, where you had lots of minority parties all fighting each other, trying to get on the front foot, and the odd independent, it would be totally different." He looked appalled and he said, "Well, of course, if that was the case, this would not work at all." I'm like, "Oh."

Dame Angela Eagle: I agree with you completely about the Wright reforms, but I had better leave it there.

Chair: We have to be careful that we do not go too much into the Wright reforms and other things.

Q294 **Mr Goodwill:** Good morning, Dame Margaret. We have talked quite a lot about what happens when we have a minority Government elected, and that might extend to a very fragile confidence and supply agreement. We have had evidence in earlier sessions that the Queen would be unlikely to grant an election straightaway after another one, mainly because we would probably get the same result and be no further forward. How far are minority Governments entitled to expect that they can get their business through the House of Commons, or are they basically doomed from the start, and is it only a matter of time before Her Majesty has a role in accepting a call for an election?

Margaret Beckett: No, I do not necessarily think they are necessarily doomed from the start. A lot depends, I would say, on the attitudes of the leadership in that Government and, bluntly—I say this in the presence of a number of people who I know have experience of this—the skills of their Whips Office. Walter Harrison of fame in my day, but perhaps not always remembered now—

Mr Goodwill: Yes, I know exactly who Walter was.

Margaret Beckett: Let me see. During the Blair years, there was an occasion when the Government came close to a defeat on an education issue—we won by four or something. As I went into the Division Lobby, Ann Taylor, who had also been in Walter's Whips Office, was alongside me, and as she went in she said, "Walter would have called that overkill." We both broke into unseemly mirth, because we managed on a wing and a prayer for a long time. But you need people who empathise with others, know how to work with others and so on.

So, no, I do not say a minority Government is doomed. I do say, though, that how successful they will be and how easy they will find it does depend rather on the personalities involved,

to a degree. Mrs May, famously in a minority Government, behaved as if she was in a majority Government, which I think created some very dangerous precedents.

Q295 Mr Goodwill: Do you think there was a danger in that situation that the Opposition would basically do everything short of actually having a confidence motion—that they would amend every piece of legislation almost to death, but they would be able to hold back from actually administering the fatal blow? Indeed, if we had a situation with a very large third party, whether that be the Lib Dems or the Scottish nationalists, they could try to dictate the agenda, so ultimately you would not necessarily expect that Parliament to last more than a few months.

Margaret Beckett: That could be right. An Opposition could certainly try to do that, although of course a lot would depend on the degree to which the Speaker of the day was prepared to facilitate and accept amendments. There is a big difference, it seems, in where the amendments come from; under Labour Governments, I'm afraid, they tend to come from our own side. There is no doubt that if something generally commands the support of the House, you are in a very different position than if someone is just trying to create trouble.

I will give you an example of what I mean. At some time during the 1997 Government, when I was Leader of the House, we were forced to make some changes—I think we changed the Standing Orders—because a couple of your colleagues, who had been very experienced and effective Ministers in their own way, were literally driving a coach and horses through the management of Government business by just manipulating the procedures. I called it working to rule, which they did, but in the end we had to put a stop to it, and we did. If you have a majority, you can.

Q296 Mr Goodwill: I know Her Majesty is supposed to keep out of politics completely, but I am guessing that, if we were in that situation in the current era, with the SNP being very strong in Scotland, it would be down to whichever of the main parties agreed to another referendum for Scottish independence. It would be quite a difficult decision to make in that situation—or do you believe that Her Majesty would be above politics even to the extent that she would risk losing part of her realm?

Margaret Beckett: That is an intensely political question, if I may say so, and I would rather not be drawn on it. I need time to think about it.

Q297 Chair: I think the two people you have in mind, Margaret, are David Maclean and the late Eric Forth.

Margaret Beckett: Two people for whom I had high regard, by the way, but they were simply making trouble for trouble's sake.

Chair: Indeed. Even the Whips Office at that time could have no control over them whatsoever, although one of them went on to become Chief Whip, of course.

Q298 Lord Grocott: I very much enjoyed your reflections on the minority Government of '74 to '79, because this question is about minority Governments and the power of Dissolution at a time of minority Government. You have experience of the only two minority Governments since the war—the '74 to '79 Government and the 2017 to 2019 Government. The question really is about the power of Dissolution, which the Prime Minister had between '74 and '79, but which Theresa May did not have in



anything like the same way, because of the Fixed-term Parliaments Act, when she lost major votes but continued in office.

Regarding those two minority Governments, I would like you to reflect on, first, what effect the Prime Minister's power to dissolve Parliament had on the capacity of the Government to govern; and secondly, the effect, in the latter case, of the Prime Minister's not being able to call a snap election on the behaviour of Parliament, if you like, because there was no threat to MPs—no sword of Damocles hanging over them—that if they did not behave themselves, they could be off to the polls the next day. Do you have any thoughts on those?

Margaret Beckett: I will pick up on the second one first. I think that, actually, what happened to her at the polls in 2017 was probably as great a discouragement as the Fixed-term Parliaments Act. You would be very unwise to assume that something similar couldn't happen again. Going back to '74 to '79, I think there was a different attitude then. I can't remember when it occurred—whether it was under that Government or an earlier Labour Government—but I do remember very well being conscious of the fact that people thought it mattered if the Government lost a vote on policy, or indeed a vote on an Opposition day, because it was an expression of opinion. It might not bind you to a specific course of action but it was felt to bind you to making some change. Perhaps because we were in effect nearly a minority Government, people did take these things very seriously. If there was a defeat or close to a defeat in the House, there was a tendency for people to think, "Where can we move to take account of this?" There was a possibility of real policy shift.

That was a very different attitude from the one we had after 2017. Indeed, the thing that astonished me, because it seemed to me that the scale of the defeat that was suffered was so great and the circumstances were such that it did suggest that, at the very least, the Prime Minister should depart, if not as a matter of the rules of the House, then as a matter of honour, which is perhaps a dangerous word to use in this context. The fact is that Mrs May, having said—it was a sensible response—"Okay, I will now talk and listen to everybody," then didn't. If she had done that, things might have been very different.

Q299 **Lord Grocott:** But isn't another factor that had Theresa May said before any of those crucial votes, in advance of them, "This will be a matter of confidence in the Government," that would have at least stood the chance of dramatically altering the behaviour of Members of the governing party? It concentrates the mind wonderfully if you think, "If I vote in this particular way, I am back to an election that I might lose."

In a way it is less defined, but between '74 and '79 there was always the possibility of the Prime Minister calling a general election, or maybe having to call a general election, because of a motion of no confidence, which is a slightly different thing, admittedly. When the Government's survival was at stake—i.e. when the Lib-Lab pact was agreed—whatever divisions there were in the party on key issues, which there certainly were during that Parliament, everyone got together and made sure that the Government did not collapse. It seems to me that the Fixed-term Parliaments Act did have a big impact on the way that MPs and Governments feel they can operate.

Margaret Beckett: As much as anything else—I am not disputing what you say; I think you're right—I think it just created an atmosphere. It was the feeling that people would



almost literally be saying, “Well, how does the Fixed-term Parliaments Act affect this?” Even if nobody really knew or desperately cared, it sort of created an atmosphere in which nobody knew quite what would happen. But I agree with you. I do not know what the outcome would have been if some of those votes had been made votes of confidence, but presumably the Government of the day did not have the confidence that that would have the desired effect; otherwise I am sure they would have done it.

Q300 Lord Grocott: But could they do it under the Fixed-term Parliaments Act? I don’t think Theresa May could have.

Margaret Beckett: If she had said, irrespective of whether it complied with it, “I am going to regard this as a matter of confidence,” that would have had an impact. How much, I don’t know.

Chair: Do you want to come in with your questions now, Aaron, as they naturally follow through?

Q301 Aaron Bell: Thank you, Lord McLoughlin, and thank you, Dame Margaret, for your time today. I am afraid I am another PPE-ist but before I studied PPE I briefly worked for you, actually, as a very junior civil servant at the DTI, so it is lovely to have you here with all your reflections today. I have questions about the whole Brexit process and what you have just remarked on. You said earlier that Theresa May behaved as if she had a majority Government, and you have just told Lord Grocott about what should have happened after she lost those votes. Is that a case where you think it would be appropriate for a Prime Minister to resign, or do you think Theresa May would have called a general election if the prerogative system had still been in place?

Margaret Beckett: I certainly think it was and would have been appropriate for a Prime Minister to resign. Obviously, it would have brought the risk of an election much closer, but while she could still command a majority, say, with the support the DUP, that presumably meant that the Conservative party could command a majority in the House, and that gives you a degree of stability to go on for a while—wounded but not yet in Dissolution.

Q302 Aaron Bell: We have heard evidence from academics and others that this was all about the unique nature of the European problem, the article 50 process in itself, and not the FTPA. From what you have said so far, my understanding is that you think that the FTPA was really quite fundamental to the way it all played out, and perhaps these votes would never have been called in the first place if it hadn’t been for the structure that we were operating under with votes of confidence and the FTPA. Is that a fair assessment?

Margaret Beckett: I am not sure I would go that far. All that I would say is that I think the FTPA muddied the waters. It meant people didn’t really know quite where they stood. We were in unprecedented circumstances anyway, so it was just another factor that added to the mess.

Q303 Aaron Bell: Going a little further forward to when Boris Johnson was Prime Minister, do you think the process would have played out differently if the Fixed-term Parliaments Act had only insisted on a simple majority for an early general election? Do you think that would have changed things?



Margaret Beckett: Yes, I think it probably would. I think he might have got a simple majority much earlier—not that it was such a long period anyway.

Q304 **Maria Eagle:** I wanted to ask a few questions about the role of the confidence motion, how it was before and how it seems to be after the legislation. You were Leader of the House. What was your understanding of what should be done and your role as Leader of the House when a motion of no confidence in the Government is tabled by an MP? Obviously, there is a difference between one tabled by the Leader of the Opposition and one tabled by an MP, but I wonder what your understanding is of both of those.

Margaret Beckett: It seems to me that a no confidence motion tabled by the Leader of the Opposition is quite straightforward; the Leader of the Opposition has a right to do that, and it should proceed. If another Member seeks to move a vote of no confidence, my own view as a former Whip is that somebody from the Whip's Office should take them on one side and have a kindly word with them, along the lines of, "Laddie," or "Lassie, have you made yourself Leader of the Opposition yet? If not, I advise you to do that first."

Q305 **Maria Eagle:** Were there any circumstances you could have envisaged when it would have been appropriate to give time to a motion if it did not come from the Leader of the Opposition?

Margaret Beckett: No. I spoke earlier in this session about the Parliament of '74 to '79 and the experience then. If that had been an option, you would have had somebody popping up nearly every week to move a vote of no confidence, because in their particular part of the country or whatever, they could make an argument for it. So no.

Q306 **Maria Eagle:** Right. The Fixed-term Parliaments Act introduced this procedure of having a statutory motion of no confidence. It set out circumstances in which, if such a motion were tabled and passed, you would end up with a Dissolution. In January 2019, Theresa May indicated that her Government would prioritise a statutory motion of no confidence that could lead to a Dissolution in the name of a minor party leader, over a non-statutory motion of no confidence in the name of the Leader of the Opposition. That was following the shocking defeat on the first meaningful vote. Some of us can remember being affronted at the time, but I don't know if you were. Do you think that was a breach of the proper use of the convention? Or do you think the Fixed-term Parliaments Act had changed the way that these things actually work and had changed that convention?

Margaret Beckett: I thought it was one of the most outrageous things I had ever heard. I'm afraid I thought that it was all of a piece with the blind arrogance of her behaviour at that point, which brought her down, and with her the potential of the argument she was putting, which was possibly not in the interests of the country—it all depends on whether you think her deal was significantly better than the one we ended up with. But certainly to my mind, she scuppered herself by that kind of unthinking arrogance. I say this with regret—I don't like criticising another woman who has risen to the highest office in the land, because that is a huge achievement—but she used the power of the Government to control the agenda of the Commons and to prevent Members of Parliament from coming to a view. Then and since, she has said, "Well, you didn't provide an alternative," but she stopped people from identifying whether there was an alternative that people could rally behind. I thought that was just



extraordinary, terribly damaging and pretty much unforgivable, I'm afraid. I thought all of that package, and the way that things were run, was an outrage.

Q307 **Maria Eagle:** Am I right in assuming you think that it was pretty much a breach of the usual way of doing things and not really proper, rather than that the Fixed-term Parliaments Act had changed things to justify her giving this great precedence to a statutory motion from a minor figure and ignoring a motion that was not based on the statute from the Leader of the Opposition? You think that was a breach of the convention.

Margaret Beckett: Yes, I do.

Q308 **Chair:** Margaret, can I ask one question here? With Tony Blair's Government, which had a very substantial majority, it came very close as to whether the Government carried the day on tuition fees. Had the Government lost that vote, would you have regarded that as a matter of confidence?

Margaret Beckett: No, I don't think I would. It would have been a damaging defeat, there's no doubt about it, but no. I think I would have regarded it as a question of where policy had to be amended.

Q309 **Chair:** Do you think that would have been a case where the Prime Minister could not carry on? He had put a lot of store by that policy. I am just trying to get the difference between a Government that has a sizeable majority in the House of Commons and one that is hanging on by its fingertips.

Margaret Beckett: I am talking about a period when the Government was hanging on by its fingertips. Nevertheless, irrespective of that, there were precedents. Before, we in government took the view that if the House of Commons rejected something, that had to be respected. I cannot remember what year it was, but there was one of those episodes of slight parliamentary game-playing, where the then Government, in which Bob Mellish was a Minister, lost a vote on cutting the salary of a Secretary of State. It was to do with the timing of the votes: we had had what was thought to be the major vote, and lots of people went home, then someone called a second vote, which the Government promptly lost. Bob Mellish said, "You needn't think we are going to pay any attention to this defeat," from the Dispatch Box, and he was brought back a couple of days later to apologise, which he did. He said that he withdrew all his remarks and that of course the Government would respect the defeat.

Q310 **Lord Mancroft:** Dame Margaret, may I ask you to think for a moment about the role of the monarch as a viable constitutional backstop against the abuse of prerogative powers by the Executive nowadays, in the 21st century? For example, are there circumstances in which you think that the monarch should refuse a dissolution request, and are you confident that the monarch would actually refuse a Dissolution request if she ought to? May I then ask you to think at the same about whether it is possible to keep the monarch completely out of matters of political controversy, as long as the personal prerogative powers still exist? If not, do we need new safeguards against the monarch being drawn into party political matters, in the light of the prorogation dispute of 2019?

Margaret Beckett: I think that was basically a one-off. I suspect that the approach of the Palace to that kind of request in future might be a little different. It probably did not occur to

anybody that there was a degree of, shall we say, less-than-full declaration as to circumstances between the Queen and the Prime Minister. That is something that I presume the Palace would be seized of another time.

To be honest, I think it is really hard to envisage circumstances in which the Queen would be wise to refuse a Dissolution. Consequently, that is probably how she would be advised and how she would behave. Now, you could say that means that the personal prerogative is consequently useless, but there could be an extreme circumstance—it would certainly be a political earthquake if the Queen were to refuse such a Dissolution—so I do not think it pointless to have it. Of course, it is always difficult to keep the Queen above politics, but possibly not impossible, with care on all sides. It does, to a degree, require the politicians to respect the fact that the Queen should be kept out of the political sphere.

Q311 Jackie Doyle-Price: I would like to take us back to the era before 2010, when there appeared to be an emerging consensus that the Prime Minister's right to call an election at a time of their choosing was coming under question. The then Labour Government were looking at whether there should be a vote in the House of Commons before a Dissolution. In the 2010 manifestos, I think all political parties had some kind of check as to whether that should be unfettered. The Labour party had a proposal for a fixed-term Parliaments Act in that manifesto. Obviously, in the intervening period and drama, all the political parties have manifestos to repeal the Fixed-term Parliaments Act.

I want to probe you on the actual principle of whether we should move towards fixed terms, and on whether going back to the status quo is the right way to go, bearing in mind that that is obviously where the Government want to go. What is your view on the principle of fixed terms?

Margaret Beckett: There is no doubt that we went through a period, as you quite rightly say, when the idea of having a fixed-term Parliament was the flavour of the month—it was the fashion. We all know there are fashions in political ideas; that was the fashion, and everybody was in favour of it. In principle, there is quite a sound argument for it—I am certainly not opposed to it—but the experience of having it has rather disillusioned a lot of people.

My own view is that I can absolutely see the case for the argument of stability and all that kind of thing, but living through that first period when the Fixed-term Parliaments Act was in effect, the end of the Parliament was kind of dead. It had a really, really deadening effect on politics, because there was no, “Can we do this?” or, “Wait a minute, what if an election is called in October? What will happen then?” It is possibly because it was for five-year terms rather than four years, but even then, it had a very deadening effect on political life and the practice of politics. So, I must admit, I have come around to the idea. If somebody insisted that it was a good idea, I wouldn't die in a ditch of over it, but I think that we are better off without it. I felt good about the theory, but I have seen the practice.

Q312 Jackie Doyle-Price: Once bitten, twice shy. In a way, it becomes pretty obvious when a Parliament has run its course. Essentially, if we moved to a situation where the House of Commons had more of a say, would there not be a risk of us ending up with a 2017 situation, where actually the Parliament had not run its course and, in effect, the Fixed-term Parliaments Act gave the Prime Minister more power to call an



election at the time of their choosing?

Margaret Beckett: These things are difficult to second-guess. I am not sure how much of a difference the Fixed-term Parliaments Act—it seems to me, from the outside, that in the end the Prime Minister wanted to call an election and found a way to do that despite the Fixed-term Parliaments Act, which suggests that it's a waste of time. Yes, you're right: Parliaments do come to the end of their natural life. The 1992 Parliament came to the end of its natural life long before we had an election, but the Major Government hung on until the last possible day and then had the longest possible election campaign that they could, and that didn't make any difference—it didn't fend off the inevitable.

I am not opposed to the idea of a vote in Parliament, but I doubt whether, in the end, it will make all that much practical difference, and it will certainly be very embarrassing for a lot of MPs who know that they ought to vote for an election but don't want to, because they fear the personal consequences. That is probably not important, but—"Be careful what you wish for" is perhaps appropriate.

Q313 **Chair:** Margaret, you have talked about the 1992 to 1997 Parliament being a sort of dead Parliament halfway through. Do you think that the same was true of the 2005 to 2010 Parliament, which was another Parliament that ran for five years, as opposed to when you were Leader of the House and everybody knew that Tony Blair probably wanted to go for an election as soon as he could after the fourth year?

Margaret Beckett: I don't entirely take the comparison between the 1992 Parliament and the 2005 Parliament, because after all we didn't have a change of Prime Minister in the '92 Parliament and in the 2005 Parliament we did. So I think the circumstances are different, but as you say, people did know that Tony Blair would be looking for an opportunity to call another election, and that makes a big difference to politics. I feel that then politics was relevant in a way that it wasn't in the 2010 Parliament, when we had the Fixed-term Parliaments Act and so everybody knew when the election was going to be and everything kind of just ground to a halt. The Government didn't want to go on with things, because they wanted to hope for a clean majority and so on.

Q314 **Peter Gibson:** Good morning, Dame Margaret. In 2018, you gave evidence to the Public Administration and Constitutional Affairs Committee and described the Fixed-term Parliaments Act as a dog's breakfast. Will you outline for us what you think the main defects in the Act are?

Margaret Beckett: Well, the complicated mechanisms—the fact that you can have a vote of confidence but then you have 14 days to sort it out and you could come back again and so on. I think the issue was just the way in which it clouded the political situation. Whereas normally—I should say "in the past" rather than "normally". Whereas in the past you would look at what was happening day to day and month to month in the flow of politics and how things were working out, with the Fixed-term Parliaments Act people would do that and then think, "Oh, wait a minute. What does the Fixed-term Parliaments Act mean for this? What difference does it make? Can you actually do this?" I felt it just got in the way.

Q315 **Mrs Miller:** Dame Margaret, I think you have answered the question that I was originally going to ask, so I will go back to something that you said earlier, which was that the status quo ante wasn't complicated; it was straightforward. But then you said that the only issue was that of no confidence. Could you explain what you meant



by that and, if there is an issue with no confidence, how would you resolve it?

Margaret Beckett: What I meant was that it is absolutely straightforward if you have a vote that is explicitly a vote of no confidence. If you have a vote, as we had with the EU Withdrawal Bill, where there is a massive defeat on a major piece of Government policy, then you can have an argument about whether that should be considered a vote of confidence. That is what I meant. It goes back to the question someone else asked: are there other circumstances in which you might feel it is so crucial as to almost make it a vote of confidence? Indeed, a Prime Minister can say, “I will probably treat this as a matter of confidence.” This is possibly not an example everybody will like, but if the vote on the Iraq war had been lost, I have heard it said that Tony Blair planned to resign. I do not recall hearing him saying that myself. It may have been the case. I do not think he said it to the House or the party. That is the kind of issue that I mean. Another example would be David Cameron with the Syria vote. Had he not only said that he would take the whole issue off the table, but taken it as a confidence issue for the Government, then you would have had a degree of people agonising over whether it was a vote of confidence or not.

Q316 **Mrs Miller:** It would certainly serve to focus the minds of Back Benchers.

Margaret Beckett: Yes, but in that sort of thing, if it had not been explicit beforehand, you would then have had—as I am sure happened a lot during the Brexit proceedings—a situation where the Government say, “Okay. We will come back with an explicit vote of confidence.” So you are not really any further forward.

Q317 **Craig Whittaker:** Good morning, Dame Margaret. Correct me if I am wrong, but it appears from your previous replies that you feel returning to the previous convention should be relatively easy, and I think you implied it would probably be your preferred option. But what do you think of the Government’s proposals in the draft Bill?

Margaret Beckett: I have to admit that I haven’t studied the Government’s proposals in depth. It is my understanding at this moment that the Government think that this is basically taking us back to the previous position, and that some people are questioning that to a degree. I haven’t seen all of their evidence, but I have seen some of the evidence that you had from the former Clerks, Sir Malcolm and Lord Lisvane. I think they have some doubts about whether the Bill has the effect that the Government intend. If the Government’s intention is to go back to how things were, I am, for once, on board.

Craig Whittaker: Excellent. Thank you.

Q318 **Lord Beith:** Of course, if the Government are going back to where they were, they must understand where we were before. The Government have produced a one-page document called “Dissolution Principles”. This is not an exam question—I do not know whether you have spent any time on that document, but if you have, do you think it really captures the conventions as they were understood before the Fixed-term Parliaments Act?

Margaret Beckett: No, I am not entirely sure that it does. But since it is one side of A4, it might be a matter of curtailing the length of the argument rather than lack of understanding. I think you are right that it does not quite go back. From that point of view, there may be



improvements that could be made to the Government's draft Bill that would more securely do so.

Q319 Lord Beith: To illustrate, there is a confusion between requesting a Dissolution and advising a Dissolution. Most people's understanding was that, under the old system, Dissolutions were requested, not advised.

Margaret Beckett: Yes. That is the position to which I hope we will return. The argument that it will be something on which Ministers will advise the Queen is yet another attempt to take a little bit more power to the centre of the Executive.

Q320 Lord Beith: It is difficult to go back to the way things were, because other things have changed. I will give one illustration of this for your reflection. We have been carrying through legislation that determines that parliamentary boundaries are not delayed or in any way altered by Parliament. The boundaries come from the commission and then they are automatically implemented. Could that produce a situation in which the Government decided, "Let's get a quick election under way, so that we don't have to face these new boundaries, which are disadvantageous to us", and would it worry you if it did?

Margaret Beckett: Yes, it could. I disapprove of it in any case. I think it is quite a dangerous precedent to be setting. We will hand this enormous power to a group of technicians who will make their supposedly impartial decisions and Parliament will have no opportunity to have a say. I think it is another arrogant use of power. I think it is probably quite unwise. As I recall with the previous set of boundary proposals, there was some discussion and on purely practical grounds some small amendments were made. I think there was a thing about whether or not you should split the Isle of Wight into two constituencies and things of that kind. It is silly, in my view, for Government to cut themselves off from that sort of thing just because they think they are arrogating all power to themselves.

Q321 Lord Beith: Would you be worried if it were possible to use to ability to get a Dissolution as a means of evading the immediate effect of boundary changes?

Margaret Beckett: To be perfectly frank, it would probably depend on who was doing it.

Lord Beith: That is an honest answer. Thank you.

Q322 Maria Eagle: As has been mentioned, Dame Margaret, there are only two MPs in the House who were there when a vote of no confidence was last passed, and they are you and the Father of the House. Do you think that constitutional conventions are as well understood and adhered to now as when you first joined the Commons? Do you have any perspective on that, given your long service?

Margaret Beckett: Probably not, but the staff of the House—the Clerks and so on—are brilliant at this kind of thing. My experience, and I am sure that of everybody here, has been that if there is any query about such things, they will be able to give you chapter and verse on precedent and so on, usually in a very helpful and illuminating way. So I do not despair just because people have not used the conventions much of late. I do not think that means you have to abandon them or assume that they can no longer have flesh on the bones, so to speak.

Q323 Maria Eagle: I want to ask you about the institutional memory in Parliament, which some of us think ought to reside in Members themselves. But obviously the Clerks,

who you made reference to, are a library of institutional memories, as is “Erskine May” and all the Standing Orders and the books one should consult when considering these things. Do you think collectively that institutional memory is strong enough—given that a lot of newer Members have not experienced the old ways—to protect against any future abuse, if this Bill is passed, of Dissolution by Prime Ministers?

Margaret Beckett: It is always difficult to put in place mechanisms which can give you absolute certainty of that kind of protection. In the end, it does come down to the politics of it and to what the House will consent to. It is quite noticeable, whatever side people were on in the Brexit debates, that some unprecedented opportunities were given to Members to make decisions when the Government was not facilitating Members making a decision, but in the end Members were willing to express the view of the House. So I think there is a robustness about our political culture that means that people can and will step forward.

Yes, I take the point. It would be desirable for there to be more understanding among MPs themselves, but there is almost always a body of people who will be pursuing these things and who will be, to a degree, expert in these things, and one goes to them.

Q324 **Maria Eagle:** If the power of Dissolution goes back effectively to the Prime Minister, do you think there is anything that MPs can do to ensure that those requests, and the way in which it works, are handled appropriately according to the conventions—or responsibly, if you might put it that way? And, anyway, do you think Prime Ministers ever made Dissolution requests responsibly, in a way that always adhered to the conventions, and were not seeking party political advantage, as it were?

Margaret Beckett: I think any Prime Minister seeking a Dissolution has always got the interests of their Government and their party in mind. In a sense, it is what we pay them for, and that is inevitable—not always a bad thing. The main thing, though, is that it should be clear what the position is.

Q325 **Mr Vara:** A very good afternoon to you, Dame Margaret. Thank you for joining us today. The ouster clause seeks to define an area which would be for political determination rather than legal. Do you agree that there should be some areas which are not open for the courts to intervene, and, if so, is the area of calling for the Dissolution of Parliament and the calling of a new Parliament one of those areas?

Margaret Beckett: I am afraid I am what some people will probably think is quite reactionary about this. I am always quite wary of judges second-guessing what Parliament ought to do. That is despite the fact that sometimes I agree with the conclusions they come to. Nevertheless it does seem to me that Parliament is sovereign, not the courts. I have on occasion in Government had experience of where judges sought to exercise a political judgment about what would be acceptable to foreign Governments, for example, and actually got it wrong. They were confident they knew what the reaction of a foreign Government would be better than the Foreign Secretary of the day—who wasn’t me—and they were wrong.

Q326 **Mr Vara:** Nothing to be wary about, that, Dame Margaret. There are a lot of us who share your view and, as a former practising solicitor, I take the view that Parliament is supreme rather than the judiciary.



One other question, if I may: it has been suggested by some of the other witnesses that the way to resolve the difficulties of the FTPA would be to have a simple majority provision rather than the two-thirds majority. Given your experience in Parliament, would you agree that a simple majority wouldn't do what is sought? For example, you could have a coalition and it could be that the junior partner—because it is the case that often a junior partner is likely to lose seats at a subsequent general election, as the Lib Dems found to their cost following the coalition of 2010-2015—that is, the minority party, is not in favour of a general election and therefore wouldn't give the Government of the day the simple majority it seeks. Or you could have an informal arrangement—a Lib-Lab pact: slightly more than an informal arrangement but it wasn't quite a coalition—where again the minority partner would take the view that it is not in their interest. Therefore they would not give the majority party the simple majority that it sought. So as I see it—I would welcome your views—a simple majority doesn't do what many people think it would.

Margaret Beckett: That could be right. I don't have a strong view about it, as I say. If there is a strong feeling that it should be Parliament that makes the decision and makes it on a simple majority, most of the time I suspect that will make little difference, because on the whole in this country, with our present electoral system, coalitions are unusual. It is one of the things that struck me forcibly in 2010—that people said that our voting system prevented the people from expressing their point of view. Well, when they didn't have confidence in any of us they didn't give a majority to any of us—which people said couldn't happen under our electoral system; but it did, because people know how to work our electoral system. So I take your point entirely. You are right; it could cause complications. That is probably an argument against having a parliamentary vote on whether to have a Dissolution, and leaving it in the hands of the Prime Minister of the day.

Mr Vara: That is very helpful. Thank you very much, Dame Margaret.

Chair: Shailesh, thank you, and thank you to the Committee for taking part. Margaret, can I thank you very much for giving us your time this morning and being able to call on a number of first-hand experiences where you have either been a very close observer or actually a key player in the way in which some of these decisions have been taken. Your service to the House is incredibly distinguished and we are grateful for the time you have taken this morning to share those experiences with us. Thank you very much indeed.

Margaret Beckett: You're very kind. Thank you very much indeed. It's been a pleasure.