

Public Administration and Constitutional Affairs Committee

Oral evidence: Inter-institutional relations in the UK, HC 525 Tuesday 2 February 2016

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Members present: [Mr Bernard Jenkin (Chair); Paul Flynn; Mrs Cheryl Gillan; Kelvin Hopkins; Mr David Jones; Mr Andrew Turner.

Questions 150-228

Witnesses: **Lord Lang of Monkton**, Chair of the Lords Constitution Committee, and **Lord Forsyth of Drumlean**, former Secretary of State for Scotland, gave evidence.

Q150 Chair: May I welcome our two witnesses to this session on inter-institutional relations within the UK, and can I invite each of you to identify yourselves for the record, please?

Lord Lang of Monkton: I am Lord Lang of Monkton. I am with the House of Lords.

Lord Forsyth of Drumlean: Michael Forsyth.

Chair: My two noble friends are former Secretaries of State for Scotland, and we look forward to hearing what you have to say. Question one, Mr Jones.

Q151 Mr David Jones: Good morning. You were both in Government prior to the establishment of devolution but, nevertheless, have taken a close interest in what has happened since. What is your assessment of the way that the United Kingdom and the devolved administrations and institutions co-operate and interface with one another?

Lord Lang of Monkton: Chairman, yes, it is correct we were both strongly opposed to devolution. We saw the flaws in the measures presented by the Labour Party and we fought hard against it but we were defeated and, indeed, our party was wiped out in 1997. What has happened since is what we thought would happen. We cannot go on saying, “We told you so” however. It is a fact of life that devolution has happened, is still happening and, sooner or later—and indeed I think sooner—we must come to terms with it and make sure that it does not damage the United Kingdom as a whole and that it fits in in an integrated way to the United Kingdom.

Lord Forsyth of Drumlean: Mr Jones, you have been a Welsh Secretary so you know what it is like being a Secretary of State in a territorial Department. I think it is very much more difficult post-devolution for Secretaries of State. I am not trying to undo what has happened but the big advantage, which Lord Lang and I and our predecessors had, was

that we sat on all the key Whitehall committees and we were part of the Whitehall correspondence, so if the Health Secretary had come up with a bright idea we were able to engage and comment on that. At the moment, particularly in Scotland, there is almost no—and of course it is difficult because you have people of different parties—interrelationship between the devolved administrations and Whitehall and I think that is a great loss. Added to that, the actual impact of setting up a Scottish Parliament, which is the thing that I understand most clearly, has been that the eyes of the media have been very much trained on what is happening in Edinburgh and not on what is happening in Westminster and, vice versa. The national newspapers, the British newspapers, produce Scottish editions and, as a result, people are pretty ignorant of what is going on in Scotland down here and in Scotland they are pretty ignorant about what is happening south of the border. The effect of that is to push apart.

Also, for example, Scotland has adopted different policies in respect of—I don't know—minimum pricing of alcohol might be an example, where it is difficult to argue that, whatever the merits of that issue, it should not be done on a United Kingdom basis. So I think there is a need, difficult as it is, to find some basis upon which it is possible to have an exchange of views at an early stage. Pre-legislative consultation on legislation and things of that kind do help but I think that we have lost something very important.

Q152 Mr David Jones: Do you think it would be possible to change the machinery of central government to try to manage the devolution settlement better and, if so, in what way?

Lord Forsyth of Drumlean: I think the problem has been that the name of the game has been: how much power can we have in Scotland or Wales or Northern Ireland—they all have their different characteristics—rather than what is the right balance of power and how we devolve power in a way that will maintain the unity of the United Kingdom and enable all the constituent parts of the United Kingdom to benefit. That has not been the basis upon which the argument has been conducted. It is rather: we want more powers and, if Westminster is not prepared to give them to us, that is something that needs to be opposed whereas it would have been better to look at this in the context of a coherent model that would work.

The other thing that I think has been lost, which is very important, is in Scotland we had the flexibility to be able to move quickly on policy matters, whether it was health or education and so on, because the Secretary of State was responsible for all of them. But our officials obviously could not have enormous Departments, like the Department of Health and the others, and so our officials worked very closely in Whitehall and you had an interchange of officials: civil servants would go and work in the Treasury or go and work in the Department of Health and come back to Scotland and vice versa. I think that provided a glue and provided for relationships below ministerial and below the political level, and I think that is kind of broken and understandably so. If you are a civil servant in the Scotland Office your loyalty is to the Ministers in the Scotland Office who may be pursuing a different policy. I think there could be more integration within the Civil Service and, as I look at it now, it seems to me that we are going in the opposite direction and that we are moving towards having a different territorial Civil Service, which I think is very, very retrograde.

Q153 Mr David Jones: Would you like to see more secondments from Whitehall to Edinburgh and vice versa?

Lord Forsyth of Drumlean: I don't know about secondments. I would like to see a British Civil Service where civil servants move between the constituent parts.

Lord Lang of Monkton: I don't know if you want to develop the discussion on the Civil Service or whether you want to come back to that as an issue, because I think there are very important issues relating to the Civil Service. But on the more general point, I agree with what Michael has said about the position of the Secretary of State, which has now changed. The Secretary of State now has almost no duties in Scotland, other than judging the vires of what the Scottish Parliament is up to, and I assume it is similar in Wales. That is not to say that he does not attend Cabinet—of course he does—but he does not attend Cabinet with the backing of a huge spending Department, which is how Ministers achieve influence.

When I was Secretary of State at one time I think I was on something like 12 Cabinet committees. Fortunately some did not meet at all and some did not meet too frequently, but that underlines the involvement of people who sit around the Cabinet table with a powerful Department behind them, which enables them to participate in policy discussions and influence policy in the broad sense, bearing in mind their territorial commitments. That has all been lost. We have to rebalance the relationship between Whitehall and the devolved Parliaments. It is not working at the moment, particularly, when there is an insurrectionary administration in Scotland whose sole purpose is to break Scotland out of the United Kingdom. We have to find a way of maintaining a better round of intergovernmental relations. It is a matter on which the Constitution Committee that I chair in the House of Lords has produced a report, on which we are awaiting a Government response. We have been waiting for almost a year.

We do not regard that as disastrous because we know that the Government are working closely on the issue. We hope they will present some sort of information very soon and we very much hope it will reflect the kind of things that we have suggested in our report. I think that if you got the basic framework changed, and the attitude of mind of the Civil Service and officials to the devolved areas changed, then things could settle down more easily.

By “change of mind” I mean they have to recognise that it isn't a matter of giving them devolution and then letting them get on with it. Of course they should not interfere in what has been devolved, but they have to maintain contact to ensure that there is an interaction between the devolved administrations and the United Kingdom and its Parliament, in a way that will enable both to benefit from devolution instead of it becoming a burden.

Q154 Mr David Jones: You mentioned the issue of intergovernmental relations and clearly you see the Civil Service having a big role to play, but what about the question of relations between Government Ministers themselves in the United Kingdom and the devolved administrations? Do you regard those as healthy and vibrant or do you think they could do with improvement?

Lord Lang of Monkton: I think that the senior Ministers in the devolved administrations find that the JMC and its related bodies are ineffective. They do not regard them well. They do not regard them as sympathetic to their interests and their needs. They regard them as too Westminster-centred and in need of considerable reform. I have views about that as well, which I am happy to discuss. But the relationship between Ministers in

Westminster may be very good indeed and certainly I can speak for the Secretary of State for Scotland—I think he does a brilliant job in the central issue of trying to maintain the United Kingdom as a cohesive whole and Scotland’s place in it, and I am sure he does his best to argue for Scotland’s interests in Cabinet but he is arguing on behalf of a party that he does not represent, and whose central policy he is deeply opposed to, and that inevitably jeopardises relations.

Q155 Mr David Jones: Could you expand on your views about the JMC?

Lord Lang of Monkton: Yes. I think the JMC should be put on a legal framework, a fairly loose framework. I think it is a matter of having a statutory based framework that informal relations can build around. The sub-committees: the domestic committee seems to achieve nothing at all and the European one seems to do quite well. The Joint Exchequer Committee and the new group on welfare have specific purposes. I think that focus gives them a chance to be of value but I think they too should be brought into a loose framework, not bound up with too heavy statutory obligations that would destroy flexibility but that would enable them to feel that they were playing a coherent part in the overall interests, both of the devolved Parliaments and of the United Kingdom. Transparency and proper scrutiny are very important aspects of that. We made a number of recommendations in our report, which I would be happy to expand on if you wish.

Q156 Chair: Can I ask a supplementary? We now have the Scotland Bill and, for example, the new fiscal framework and sharing of responsibility for certain benefits. What aspects of these new powers do you think will make the situation better or worse?

Lord Forsyth of Drumlean: The fiscal framework and the handling of it is a good example of the deficiencies that Mr Jones’s question has highlighted. I have no idea what is in the fiscal framework. We are about to consider parts 2 and 3 of the Scotland Bill, which deal with the devolution of income tax and welfare powers, and we have no idea what the arrangements will be for determining the block grant as population and other matters change in the future. We have repeatedly asked Lord Smith and Ministers in the House of Lords what exactly the “no detriment” principle means and how it will work and no one, including Ministers, seems to be able to answer that.

The negotiations going on between the Government and the Scottish Government are being held in secret. Yesterday they issued a press release saying, “The Government have made a new offer,” but it did not say what the offer was, and I think what we need is transparency. My own view is that it has suddenly dawned on—I am sorry the Scottish Nationals are not here—the Scottish Government that the effect of these changes will be that Scotland will have less money and may find itself having to put up taxes in order to stay where it is. The fact that all of that is happening without an open and public debate is I think very regrettable.

We have devolution and I think United Kingdom Ministers should be—at one stage the Prime Minister indicated that this was the intention—going before the Scottish Parliament and should be accountable to the Scottish Parliament, the Welsh Assembly and others, and I think the whole handling of the Scotland Bill and the fiscal framework illustrates the kind of difficulties. What we have is the Scottish Government saying, “We’ve been robbed by Westminster”—which is what they will say—“This settlement is not sufficient”. The day-to-day consideration of policy on health or education and so on goes by the board,

while we are in this constant state of conflict, where the ability to hold Governments and Ministers on both sides of the borders to account for day-to-day policy is undermined. I think it is very, very unsatisfactory.

Lord Lang of Monkton: I would add to what Lord Forsyth has said about the Bill that is before us at the moment: the first two clauses of it were declaratory clauses putting into statute what has been previously by convention or simply by general recognition; that is, first, the permanence or not of the Scottish Parliament and, secondly, the Sewel convention. There are all kinds of issues that arise once you start putting these things in statute.

We had very lively debates in the House of Lords about this. Unfortunately, I don't think the Bill was as fully debated in the Commons, partly because of the dominance of the Scottish National Party in the House of Commons, and that is understandable. The problem is that that Bill is the product of the negotiations behind closed doors of the representatives of all the interested parties in Scotland, under considerable time pressure. That is not the way to produce legislation, particularly when the leading parties, both in government and in opposition, had undertaken to implement into law whatever the committee decided. It is an extraordinary process because they were full of faults and it comes on top of two earlier devolutionary processes, which again were not properly scrutinised and examined before they were established. Demand-led devolution, which is the kind we have had, is what has created the unsettled nature now of the United Kingdom, whereby each institution that requests more powers has been given them without any consideration being given to the welfare of the United Kingdom as a whole. This is a profoundly damaging situation and one which we have by no means escaped yet, and we are going to have to address it. Indeed, my Committee is addressing it and I understand it is part of your Committee's work, Chairman, at present.

Chair: Yes.

Lord Lang of Monkton: So there is still much to be done. The only other thing I would say is that the Barnett formula should have been sorted years ago. Lord Forsyth and I were both on the committee in 2009 that came up with a unanimous recommendation and a coherent way forward for introducing a needs-related formula instead of the existing Barnett formula, which had not achieved its purpose even though its purpose was to narrow the gap between per capita expenditure in Scotland and Wales and elsewhere. That was rejected. A similar proposal from Wales, I understand, was also rejected out of hand by Government and Opposition alike. Had that been done that would have been out of the way now and we could address these issues of the fiscal framework, free from the bias that is built into the present system and is so unsatisfactory.

Chair: We do have specific questions about the Barnett formula and we will come on to that later.

Q157 Paul Flynn: It is many years since either of you enjoyed a vote from anyone in Scotland and you now appear before us as old soldiers raking over the ashes of fires that are long dead. I mean you have no democratic accountability being in the Lords. The Scottish National Party don't put anyone in the Lords. Aren't you going to be seen increasingly, because of your attempts to justify your past negative attitude to devolution, as an element in this debate that is irrelevant to the people of Scotland?

Lord Lang of Monkton: I would dispute that, Mr Flynn. First of all, the House of Lords is an important part of a bicameral constitution, which we have in this country—

Paul Flynn: But you are not elected.

Lord Lang of Monkton: We have a role to play in parliamentary democracy. We have a role to revise and warn over the handling of government. We look at legislation very thoroughly indeed in the House of Lords and often the amendments that we suggest are accepted, so we have a locus there. Yes, we are not elected to constituencies, I accept that, but that is not the only way in which a parliamentary democracy can flourish.

Secondly, on the issue itself, yes, we think serious mistakes were made and, yes, we campaigned against them—strongly and robustly and, indeed, we all lost our seats in 1997 as a result of that—but it is in that central issue of principle, and we are now looking at ways in which we can try to stabilise the ship so that it can go forward as one united kingdom.

Paul Flynn: But your party and my party—

Chair: Lord Forsyth first.

Lord Forsyth of Drumlean: I think, Mr Flynn, “enjoyed” is perhaps too strong a word to describe certainly the period that I spent in office as Secretary of State for Scotland. It was a difficult time. Your own party believed that devolution would kill nationalism stone dead and the net result has been that all of us are reduced to one MP in Scotland so, in that sense, none of us is very strong on democratic legitimacy. As somebody who lives in Scotland, who is very seriously concerned that we are moving to a situation where I am going to have to pay higher taxes for less money available for public services, which will suffer as a result, I think we are entitled to point that out. You are also entitled to point out that these are matters for the House of Commons in the end to decide, but if I may just gently say so, it does surprise me that the Scotland Bill went through the House of Commons without the fiscal framework being available to them, when it is central to how the whole thing will work. I think those of us who have some understanding of these matters are entitled to point it out but, at the end of the day, it is up to the people concerned.

On the nationalists not having people in the House of Lords, I think that is a great mistake and we have repeatedly said that they should have people in the House of Lords. The Scottish nationalist party—Scotland has become almost a one-party state—that one party ought to have a voice in the House of Lords. We now have the absurd position where cross-bench members of the House of Lords are asking the SNP to give them amendments to put down at the committee stage so their view can be expressed.

Q158 Paul Flynn: I think they call themselves the Scottish National Party, but don’t you agree that, while you are both distinguished parliamentarians—and I can recall your less than positive contribution to the devolution debate—you are voices of failures of the past and, while there were people in my party who believed that devolution was going to preserve the unity of the United Kingdom, whereas others were warning it was a slippery slope, but there were members of my party, and maybe other parties, who voted for it not because we were afraid of a slippery slope but because we were glad it was a slippery slope.

Chair: I want to deal with this briefly, and it is a very fitting question for the most senior member of the Committee.

Lord Lang of Monkton: I think dwelling on history does not really achieve very much. The fact is that until the Labour Party changed under William Ross, belatedly and under huge pressure, from being robustly against devolution to being in favour of it, there was no question of it happening. Devolution did not feature high in the priorities of the Scottish electorate for many years when the Labour Party then supported it, and they constantly had to fan the flames to keep it in the public eye. When they came into power with a commitment to it, they rushed into a referendum as quickly as they could; a referendum on nothing, just the general principle of a devolved Parliament.

Paul Flynn: Again, we are all in our—

Chair: Enough history.

Lord Lang of Monkton: I agree, Chair.

Q159 Mrs Gillan: Bringing everyone back into the present, one of the problems that you have articulated well is that the connections between the Government that is based in London and the Governments in the devolved administrations have broken down completely. Indeed, your report, Lord Lang, criticises the JMC.

Lord Lang of Monkton: Yes.

Mrs Gillan: Do you think that the JMC is completely past its sell-by date? What other mechanisms would you suggest, because isn't it true to say that the devolved administrations are being pulled further apart from the Government of the United Kingdom, and it is an inexorable journey in one direction only?

Lord Lang of Monkton: I do not think the JMC is past its sell-by date, no. I think the underlying principle is correct but I think it should be reformed in the sense of, first of all, being given a statutory base—a flexible base but a statutory one. Secondly, it should be open to more input from the devolved administrations. We have to come to terms with the fact that these organisations exist. They form an important part of what is the overall United Kingdom's constitution now. We have to make sure that the system works. At the moment there is almost no agenda, almost no advance publicity of when the meetings are going to take place, almost no report of any detail in the communiques issued afterwards. The agendas are set by Government.

One of the frustrations that we have met in interviewing members of the Welsh Assembly and of the Scottish Parliament, and indeed talking to Northern Ireland representatives, is that their input is often ignored. Somebody had said in Scotland that you had to find out what was going on at the JMC by listening to *Good Morning Scotland* on the BBC on the day in question. That is simply not right. That is not the way it should be. It should have a better and more balanced input. I think the UK Government should continue to chair it but I think it should consider rotating its meetings to different parts of the United Kingdom from time to time. It should issue an annual report. It should have an annual audit with an independent body. It should have a separate statistics body in Scotland and the Prime Minister should lead a debate in the House of Commons every year on it, so that it is

integrated into the United Kingdom's constitutional system. Unless we get better understanding and co-ordination it will fester.

Q160 Mrs Gillan: The characters that populate the JMC—except for dispute resolutions or when people are called in—are a very limited number of people.

Lord Lang of Monkton: Yes.

Mrs Gillan: There is no mechanism for all the Health Ministers to get together or all the Education Ministers. Do you think that the JMC should be expanded into the other areas so that there is better connectivity between the four parts?

Lord Lang of Monkton: The JMC is really the head of the hierarchy and I think the lower levels should be more clearly delineated and given, again, closer scrutiny and better transparency. As I said earlier, the better ones among them, because they have a specific active area of interest and activity, are functioning well. The new one—the Joint Exchequer Committee that is sitting at the moment—whether it is delivering good results remains to be seen but at least there is active involvement and that is what is important.

I think that you could go further down into concordats and temporary sub-committees. They should be set up but they should be set up temporarily. We do not want to build a great cluttered hierarchy of irreversible change, but I think the JMC has to be at the pinnacle of that and I think it is reasonable that it should have the limited membership that it has.

Q161 Mrs Gillan: Were you aware there was a Cabinet sub-committee, at the beginning of the coalition Government, which brought together Ministers from each of the Departments of State that specifically were allocated responsibilities for looking at the way the devolved administrations interacted with policies here, which only lasted for about 18 months?

Lord Lang of Monkton: Yes, the history of the JMC has been diabolical. In 2002 when I was on the Constitution Committee, we recommended various things of the type I have just described. Our report was rejected and for the next six years hardly anything happened at all because there was a Labour administration in Westminster and in Scotland, and it was regarded as a Labour fiefdom and it was all a very cosy arrangement from their point of view. But it has to happen and I think there are other things that can still be done to make it happen more efficiently.

Q162 Mrs Gillan: Can I move on to English votes for English laws, because that seems to have been the most recent short-term fix? I wonder if I could start with you, Lord Forsyth, as to what your opinion is of English votes for English laws.

Lord Forsyth of Drumlean: I think if you want English votes for English laws you need an English Parliament. I think what has been established—it is not a matter for me, I do not want to provoke Mr Flynn—in the House of Commons is in effect an English veto. I am worried that the Scots will say, “Well, if the English have a veto why can’t we have a veto as well?” For the best part of at least 50 years in the 19th and early part of the 20th century, this argument about English votes for English laws was running in the context of Irish home rule, and the solution that was reached then, which I believe was the correct solution, was to reduce the number of Members of Parliament coming from Ireland, and subsequently Northern Ireland, in accordance with the degree of devolved power. I think

that was a flawed solution but, nonetheless, a workable solution. I think that English votes for English laws is pushing certainly Scotland away from Westminster and I think that is an unfortunate step. At the same time, I can see that Members of Parliament and their constituents in England are hugely resentful of a large number of Scots voting on matters that are to do with the West Lothian question, and I think the answer is to reduce the number of MPs rather than have a procedure that relies on Standing Orders. That is my own personal opinion. That is not the view of the House of Commons.

I think that we need to accept where we are, revisit the whole of the devolution settlements for the constituent parts of the United Kingdom and come up with a structure that will bind the United Kingdom together, and I think that involves perhaps revisiting some of the issues in terms of powers devolved. For example, what seems to me very important in a unitary state is that you have the same pensions, and the same benefit system operating throughout the United Kingdom as a whole—that the safety net is the same throughout the United Kingdom. That is gradually being unpicked by the decision to give the whole of income tax in the Scotland Bill to the Scottish Parliament, and I think Gordon Brown made the point very eloquently during the referendum campaign—actually the Labour Party played a very important part in this and the Liberal Party—that there are certain aspects of the modern welfare system, our system of pensions and so on, which bind the United Kingdom together. So English votes for English laws seems to me to be going in the wrong direction. If we are going to have an English Parliament and a federal system, so be it. I think it is very, very difficult when you have 85% of the population in England, wherein London and the south-east generates 40% of the country's wealth but has only 30% of the population. I think you need to have some fair system of redistribution, which takes us on to Barnett, that covers the United Kingdom as a whole, and I think you have to have certain unifying policies on defence, on welfare and on other matters and, at the moment, I think we have competing fiefdoms and a system that is unbalanced.

Q163 Mrs Gillan: Did you think that the Labour Party had it right when they were heading for a regional government in England, which of course was rejected in the north-east? Is that where you would see the breaking down of the unit of England so that it was not a huge dominant force in a federal UK?

Lord Forsyth of Drumlean: No, I don't, because I don't think there is a great demand for this in England and that has been the central problem. I took a paper to Cabinet when I was Secretary of State that was going to give the Scottish Grand Committee the power to pass legislation, and we could not solve the problem of the funding in Barnett because Scotland then was about 25% more per head than England, so you would lose the funding, so, how would you do that—you could do it over a period of time—and, also, the West Lothian question: how could you resolve this?

I think some people have done some work; Lord Salisbury has done some interesting work on this. He has talked about having a new Act of Union that tries to sort out the anomalies and the difficulties that have been created from trying to impose devolution on a unitary system. I think those ideas are worth exploring in a national debate. What I do not think you can do is continue this piecemeal constitutional change that simply isn't working, and you can see that in the tensions that now arise in the constituent parts of the United Kingdom.

Q164 Chair: Before you answer that, Lord Lang, can I just press Lord Forsyth? The principle of English votes for English laws, regardless of the mechanism, do you reject the principle of the idea? Scotland and Wales and Northern Ireland clearly have the autonomy to vote on their own laws. Do you reject the principle that England should have the same?

Lord Forsyth of Drumlean: I don't know what you mean by the principle.

Chair: The principle is quite clear. I mean it would be established by an English Parliament.

Lord Forsyth of Drumlean: I think that there is no appetite but, as Mr Flynn has pointed out, I am not elected and I don't come from England, but I don't think in the current climate there is an appetite for setting up another bunch of politicians in an English Parliament, no.

Chair: You are answering a different question.

Lord Forsyth of Drumlean: Yes, I know.

Q165 Chair: I am asking the question: if the Scots and the Northern Irish and the Welsh have the right to determine certain laws in their own jurisdictions, why shouldn't the English have the right to determine the same kinds of laws in their jurisdiction? Do you think that that is a dangerous principle for the United Kingdom as a whole or do you think that, now that we have that settlement in Scotland, Wales and Northern Ireland, we have to have some similar arrangement for England?

Lord Forsyth of Drumlean: I think you have to have something that takes account of the fact that devolution has happened and my answer to that would be to reduce the number of MPs coming from the territorial parts.

Q166 Chair: Yes, so you do reject the principle that England should be able to determine things for itself, which other parts of the United Kingdom—

Lord Forsyth of Drumlean: That is an English nationalist position, isn't it, whereas, I am a unionist.

Chair: So you do reject the principle of English votes for English laws?

Lord Forsyth of Drumlean: No, I accept that in practice it would be wrong if England was being overruled on matters that are devolved on a regular basis but looking at the number of occasions when this has happened, it isn't really a problem, and if you reduce the number of MPs from the devolved parts you would have solved it, and the great thing about our constitution is that it operates on the basis of incremental change, which meets practical solutions. I think if you say the principle should be that English votes should determine English policy, you are making the case for an English Parliament.

Q167 Mrs Gillan: Lord Forsyth, when the Welsh Assembly got primary legislative powers I took a paper to Cabinet suggesting exactly that, that we should reduce the number of MPs, but that was firmly rejected by the coalition Government. Would you agree that that still is a problem because an English MP, who gets exactly the same resources as a Scottish MP or a Welsh MP, does not do the same job because they have either Assembly members or MSPs and list members that cover all those areas?

Lord Forsyth of Drumlean: I entirely agree. That is why I was against devolution in the first place.

Chair: Lord Lang?

Lord Lang of Monkton: First of all, on the principle, I do not regard English votes for English laws as a principle. I regard it as an ideal. How you achieve that ideal in practical terms is another matter.

On an English Parliament, I disagree with Lord Forsyth although I do support his view on reducing the number of MPs from the devolved areas. But that would not in itself solve the problem. It would simply mitigate it slightly. I think the timing of announcing the English votes for English laws got it off to a very bad start when it was announced immediately after the Scottish referendum, but I do agree with the ideal of English votes for English laws.

First of all, why I am not in favour of an English Parliament, is that it would take up 85% of the population. It would mean that the Prime Minister of the English Parliament would have a bigger budget and more power and more authority than the Prime Minister of the United Kingdom, and it is the same reason why a federal system would not work in this country, and that seems to be the universal view of those who have studied it carefully, although it is widely supported by many who have not.

So far as English votes for English laws is concerned, let's give it a go. We do have a constitution that adapts endlessly, not being written it is able to do so. There are countless anomalies in the existing system that you could make look ridiculous, if you isolated them and pointed at them, but the fact is that they all contribute to the overall working of our constitution. I think we will find that there will be relatively few laws that will be dealt with in this way and, to the extent that there are, I think we will find that it will pass through the system creating far fewer abrasive and bruising effects than was anticipated. If we want it to work I think it can work. I cannot think of a better way of dealing with the problem.

Lord Forsyth of Drumlean: May I add to that point? The concept of English votes for English laws in the context of having a Barnett formula is extremely difficult to define. Also, this ties in with the no-detriment principle that has been enunciated by the Smith Commission and which the Government have signed up to. Changes in policy in England, voted on by English MPs, will have Barnett consequences. If you have a Government at Westminster that is reducing the size of the public sector, that will mean the grant north of the border will be reduced and you may have a Government there that is in favour of increased public expenditure, so I do not think it is as simple as made out.

When I was at school I was taught that Parliament was about voting means of supply, and I think if you have devolved income tax to Scotland—and income tax is the largest source of revenue in terms of means of supply—you are messing up the constitutional position of Parliament, which I do not think you can resolve by changing your Standing Orders. That is where I am coming from. If you are going to have English votes for English laws then you cannot have a system of funding that is related to the decisions that are taken in England on policy matters, which is what Barnett is.

Q168 Mr David Jones: Lord Forsyth, you mentioned the possible solution of a reduced number of Welsh and Scottish MPs. If you were to carry out such a reduction would you not only be giving Wales and Scotland a diminished voice in Westminster in the devolved areas, which is fair, but also a diminished voice in the non-devolved areas, which arguably is unfair?

Lord Forsyth of Drumlean: That is right but we have rubbed along with this in respect of Ulster for many, many years. Where there has been more devolution or less devolution we have altered the number of MPs. It was, as I said, a central part of the whole debate on Irish home rule. It is an inelegant solution but I believe it is a better one. Anyway it is slightly academic because there is clearly no majority in the House of Commons for this. It is also a solution that, certainly in the past, the Scottish nationalist party—including Alex Salmond—have been prepared to support. I think most people in Scotland would think that was fair and reasonable. You could argue that there is an overrepresentation already, relative to England, in terms of the size of the constituencies, which is presumably why Parliament wishes to reduce the number of MPs and to move to equality of constituencies, which will go some way to achieving this anyway.

Chair: Right. Thank you; moving on, Andrew Turner.

Q169 Mr Turner: Good morning. The First Minister of Wales told us that the level of intergovernmental machinery that exists has declined over the last two years, that there is no real machinery for regular heads of Government meeting and that there has been more than one occasion when letters to the Prime Minister have not been responded to or been responded to very late. Do you recognise this?

Lord Lang of Monkton: Yes, I do. He said the same thing to us and in a sense I think I have covered it, but if I could go a little bit further. First of all, I think that UK Departments should produce annual reports on their involvement in intergovernmental relations—having already described how I think the relations themselves should be improved—and their reports should be lodged in the libraries of both Houses of Parliament. I think the ban on debating Scottish and Welsh matters in the Commons and in the House of Lords should be lifted. When I became a Peer I started with asking questions about Scotland, and it wasn't very long before I realised that I would never get an answer. The Minister would stand up and say, "That is a matter for the Scottish Parliament". This was once it had come into force. That is wrong. I can see that it does create departmental problems for briefing people in Whitehall, but that is a problem that has to be tackled because the United Kingdom Civil Service has to get its head around the fact that this is a United Kingdom, even with the devolved Parliaments within it. They are not hived off and ignored thereafter. They are separate but they are part of the United Kingdom as a whole. The Whitehall machine has to recognise that and change its mental attitude.

Mr Turner: Lord Forsyth?

Lord Forsyth of Drumlean: I cannot speak about the position in Wales but I think it is inherent in the devolution settlement that, if you have one party in power in Wales and another party in Westminster—indeed, we have seen points being scored over issues like the health service and so on—it will be difficult. Certainly, at a Civil Service level, it ought to be possible to have better communications and better involvement.

Mrs Gillan's point, about Health Ministers getting together or Ministers responsible for development and enterprise getting together, is a very important one and I would have thought it would be perfectly possible for Health Ministers from the constituent parts of the United Kingdom to meet on a regular basis and exchange ideas. That would be very helpful.

If I think back to when I was in Government, I remember having a bit of a row with Virginia Bottomley because Martyn Lewis had persuaded me that we ought to introduce pound for pound funding for hospices in Scotland, which I did, and Virginia felt under immense pressure to do the same in England and so we came to an arrangement where the Scottish scheme would be seen as a pilot and we would take it forward. That was possible because we were one Government, but I don't see why not for new ideas in the health service, with an interchange between different Governments—a good example would be whether or not you should have an opt-in or an opt-out on organ transplants, for example—that is an area in which I would have thought you would want to have complete involvement of all Departments, and of course, if it did not work and you were the initiator, you need to have the humility to say, "Perhaps this is not something for the whole of the United Kingdom and we will abandon it". I would have thought "let 1,000 flowers bloom" would be a good thing and we could get over the politics. To get over the politics, you need to have institutional machinery that forces people to come into the room and exchange ideas.

Q170 Mr Turner: What do you think the First Minister's comments tell us about the current state of independent governmental relations?

Lord Forsyth of Drumlean: It tells us what we already know, which is that they are certainly not good enough. On the other side, as a Scot, I see the First Minister of Scotland conducting foreign policy, expressing views on our defence and security policy and reluctant to talk about education and health and the things that are their responsibility, so I think there has to be a bit of a self-denying ordinance. Nicola Sturgeon behaves as if she were Prime Minister of an independent country, and I do not think that is acceptable or desirable from anyone's point of view. But then they have a particular agenda, which is to create as much division and conflict with the rest of the United Kingdom as they wish because they wish to destroy the United Kingdom. What we are talking about here is the machinery that will strengthen the United Kingdom and enable the diversity of political views among those who wish to retain the United Kingdom to be exchanged and to flourish and for their electorate to see that they are being responded to.

Lord Lang of Monkton: Could I add a short postscript to what Lord Forsyth said? As our study of the Union and devolution is developing in the Constitution Committee, we have been taking evidence from the different Parliaments and Assemblies. When we met the Culture Minister, Ms Hyslop, in Scotland, I put it to her that the social union was important. Several academic people have advised us that the Union should be contemplated in terms of an economic union, a political union and a social union, and the social union should ensure that sharing of resources can guarantee basic levels of provision of welfare, or whatever it might be, across the United Kingdom with discretion for the local Assemblies and Parliaments to make their own appropriate changes. Ms Hyslop totally declined to recognise the existence of a social union and we were unable to

debate the issue further with her. I think that reflects exactly what Lord Forsyth has been indicating and the basis on which your question was asked.

Q171 Mr Turner: Thank you. The First Minister also told us that in the six years that he has been attending meetings of the British Irish Council they have had not had the Prime Minister there at all. Do you think this is symptomatic of a lack of leadership by successive Prime Ministers?

Lord Lang of Monkton: It may be the case that in the last Parliament the Deputy Prime Minister probably attended, but I don't know for certain. He was after all charged with responsibility for the constitution although, extraordinarily, he was not a member of the Government's own Devolution Committee, so there was an inherent lack of a joined-up approach to constitutional matters. I believe that there should be a Minister in the Cabinet responsible for constitutional matters, not necessarily jeopardising the position of the Secretaries of State for Wales, Scotland and Northern Ireland but with overall responsibility for it. I do not believe that there is a co-ordination in effect at the moment in the way that there should be. It may be that the Prime Minister was unable to attend the British Irish Council for very specific reasons, so I would not cast the first stone. But it is desirable that the Prime Minister should be at the centre of overall responsibility for the constitutional integrity of the United Kingdom and that does require being closely in touch with what is happening in the devolved Parliaments.

Lord Forsyth of Drumlean: I think the Prime Minister has made a speech himself, certainly during the referendum campaign, underlining the importance of the point that Lord Lang has just made. It is very important for people to understand the importance of the Union, which I believe is under attack. Two examples, just following up the cultural point Lord Lang has made. There is a huge campaign to remove the BBC and to set up a Scottish broadcasting corporation to have a Scottish 6 o'clock news, which to my mind is going in completely the wrong direction. If you wish to break up the United Kingdom I can see why you would want to do that but that is an example. Another example, which is in the Scotland Bill—on which I have an amendment down, which I do not suppose is going to get anywhere because the general view is that the Scotland Bill implements the Smith Commission and we committed to doing what the Smith Commission said, even before we knew what that was and, therefore, we cannot accept any amendments—is to break up the British Transport Police.

The Scottish Government's position is that the British Transport Police—if ever there was an example of an organisation that is needed from a unitary point of view, as it has done a fantastic job since the 1830s since the railways first appeared—should be absorbed into Police Scotland, which has been something of a disaster. Why would you want to break up something that is cross-border, which has done a fantastic job—as I know from my own time in office—dealing with drugs and terrorism and other matters as well as also the particular problems that arise on the railways and in transport, the tragedy of people committing suicide and so on, using the special expertise it has. To my mind that shows a lack of understanding of the importance of the glue that binds the United Kingdom together, and which is in the interests of the constituent parts; in this case of the British Transport Police, the security of the constituent parts of the United Kingdom.

Lord Lang of Monkton: Could I record that I strongly agree with Lord Forsyth on the matter of the BBC? I think to damage Scotland by removing the national news and

replacing it with a Scottish news, which comes after the national news anyway, would be completely outwith the philosophy of the British Broadcasting Corporation. I feel strongly about it.

Q172 Mr David Jones: The Memorandum of Understanding that underpins relations between the Government and the devolved administrations is currently being reviewed and updated. What would you like to see in an updated Memorandum of Understanding?

Lord Lang of Monkton: The sorts of things that I have been referring to, about the need for more transparency and more scrutiny and measures to lead to that. I cannot add very much to what I have already said, but I am getting a little impatient because the MOU has been undergoing revision for many months now and I very much hope it is going to appear quite soon. When it does we can reopen the debate.

Lord Forsyth of Drumlean: I agree with Lord Lang, but I think we need something far more fundamental. I think we have had, for reasons of political expediency, a number of piecemeal changes that together do not provide a coherent and stable structure for the United Kingdom, so I would like to see, whether it is a royal commission or whether it is a constitutional convention or whether it is a constitutional convocation, whatever it is—perhaps your Committee, Mr Chairman—something that takes a look in the round at all of these changes and proposes for discussion and debate, because there will be differences of view, a more coherent, branded, stable structure. In the event that we fail to achieve that, then I do believe that the United Kingdom is at risk.

Lord Lang of Monkton: I agree with that sentiment because that is why our Committee is now looking at it and, indeed, Chairman, presumably in part why you are looking at it.

Chair: Indeed.

Lord Lang of Monkton: But I do not think it is a matter for the MOU specifically.

Chair: Moving on.

Q173 Kelvin Hopkins: You have really touched on my question in your last two answers, but can I put on record a more formal answer? Lord Lang in particular: what if any merit would there be in placing intergovernmental relations on a statutory footing?

Lord Lang of Monkton: There would be considerable merit in it. That is the underlying problem that has given rise to your questions today, but it is important that that statutory basis should not be covered with bells and whistles. It should be a simple, clear setting out of the structure that is required, and it should set down certain obligations such as, for example, that concordats should be reviewed every five years or every Parliament, departmental reports should be published and debated and lodged in the library, the issues of intergovernmental relations should be debated, or the Prime Minister should issue a statement. There are things that can be included in statute and there are things that can be left to a code of guidance and other matters, but the fundamental framework is what is needed to give permanence and clarity to the intergovernmental relations.

Q174 Kelvin Hopkins: You touched on my supplementary, really. What should be the balance between a statutory set of structures, which you support, and the informality of individual political relationships?

Lord Lang of Monkton: Informal relationships are very important. I do not think one would define the difference in statute. You would set up the statute in a minimalist way and the informal arrangements, which exist in many ways quite well within the Civil Service and elsewhere, would develop against the background of that framework, and I do not think I could clarify now specifically what informal developments would take place. It is perfectly plain that if, for example, an issue comes up that has massive implications for devolved institutions as well as for the United Kingdom—and there is more and more sharing now of policy development and separate policy responsibility—then clearly you could set up an ad hoc committee and develop thinking on it, bringing the relevant Ministers and officials together. I do not think you would want to define that in statute. I think that would emerge and then it would disappear again once the matter had been resolved.

Q175 Kelvin Hopkins: Going on from that, how do you ensure that the structures of intergovernmental relations are able to manage situations when those individual and political relationships are weak, or when there is a party political incentive for dispute? In a sense, you have been touching on this through your questions earlier on.

Lord Lang of Monkton: I think there should be a dispute resolution procedure but I do not think it should go to independent arbitration. The resolution has to be political because, essentially, those disputes would be political and it is not beyond the gift of man to find ways of resolving those disputes, just as all political disputes are resolved when they are political.

Q176 Kelvin Hopkins: My final question: what should the balance be between accountability and transparency and providing a safe space where Ministers can have private conversations and develop levels of mutual trust?

Lord Lang of Monkton: Again, I do not think one can prescribe that. One would not want to define it in statute. One wants to recognise that there is a need for transparency, for accountability and for proper scrutiny but there is a recognition that some matters are best resolved by informal discussion behind the scenes or in committees and, again, I do not think you should try to define it in legislation. It is happening already, but if the framework against the background of which it happens is clearly defined then the rest will fall into place.

Lord Forsyth of Drumlean: Can I just comment on that, Chairman? I think it is important to have some kind of statutory framework but I think there is a fundamental problem in that the Treasury are judge and jury in their own court. The report that the House of Lords did into the Barnett formula—which Lord Lang and I were on—suggested the establishment, rather along the Australian lines, of an independent commission that was responsible for deciding on the needs-based formula for the whole of the United Kingdom to ensure that the north-east and the north-west of England were treated fairly compared with Scotland. There is a problem—and I do not say this because there are so many Welsh representatives here—where Wales is clearly suffering as a result of the present funding. To have some kind of independent organisation that was responsible for this funding is extremely important. It may be that such a body could, for example, play a part in dealing with not just this problem—we wait to see the fiscal framework—but the extent to which, for example, Scotland will be able to borrow and the extent to which that is controlled. Is that going to be controlled by the Treasury? If you had an independent body then I think

that is more likely to be successful. The necessity to have a control arises because ultimately it is going to be the British taxpayers as a whole who will stand behind that. I do not think you can say it can be left to the market. As the experience of Greece has indicated, it is unlikely to work.

Q177 Mrs Gillan: One of the things that there seems to be a dearth of is this interaction between parliamentarians, whether it is between AMs and parliamentarians here, or MSPs, or even Northern Ireland politicians. What sort of contacts are you aware of that happen on a regular basis, if any?

Lord Lang of Monkton: I think it is difficult, because there is an underlying resentment between Members of Parliament in the same party and the relevant MSP—I cannot speak for Wales—because the Members of Parliament have lost responsibility for a lot of the things that they used to handle for their constituents. They hear MSPs talking sometimes about issues for which the MPs in Westminster are responsible. It is not a problem the Conservative Party has, for reasons that I do not need to go into. But I sense there is that difficulty. Again, this issue has to mature. We have to get Westminster to understand that the Scottish Parliament has a role now, rightly or wrongly it is there, it has responsibilities.

Part of the problem is, of course, that the great British public has no idea how responsibility divides between the Assemblies and Parliaments and Westminster. It is very difficult to educate people on that. You can send out leaflets, as has happened, and they are read, and then they are thrown away. People go to their MP or their MSP, and it is really a toss-up as to whether they go to the right person, so there is an issue, but gradually at least the lead must come from the members of the respective bodies, and they must learn to live together. They will do once these settlements become settled instead of part of a rolling process, demand-led: “Do you want this devolved? Yes, of course you can have it. Will it affect the UK? I don’t know.” and so on. That sort of thing is just no longer acceptable.

Q178 Mrs Gillan: But do you think that there is room for new institutional structures, for example, joint Select Committees between the assembly and here?

Lord Lang of Monkton: There could easily be things like that. What Lord Forsyth suggested in the context of finance certainly makes a lot of sense. My earlier remarks were about dispute resolution, which is a different thing. Yes, new bodies may well be needed, and why not?

Q179 Mrs Gillan: It would seem we are wasting a lot of the resource if we were not looking at joint Select Committees to carry out investigations.

Lord Lang of Monkton: I am sorry, I could not hear that.

Mrs Cheryl Gillan: We are looking at wasting resources if we do not look at joint activities to maximise on experiences in the four parts of the United Kingdom. Do you think then there would be an argument for increasing the numbers of Assembly members in Wales and MSPs, if you started to look at better interaction between Parliament here and the devolved institutions, which is the counter to what Lord Forsyth—

Lord Lang of Monkton: My off-the-cuff reaction would be that there are quite enough members of the devolved bodies. Again, I cannot speak for Wales, but in Scotland there

are, I believe, more than enough. Of course, in Westminster the Government have plans to reduce the numbers. I do not think numbers itself make a huge difference on the issues of that kind.

Q180 Paul Flynn: Lord Forsyth, do you think your plea for fewer democratically-elected MPs will be persuasive when it is coming from someone who is a member of an institution that still contains hereditary chieftains and includes members who owe their probable—

Lord Forsyth of Drumlean: I am terribly sorry for—

Paul Flynn: Wait, let me finish the question.

Chair: No, we do not have time for this.

Paul Flynn: Who have effectively bought their places in the House of Lords because of contributions to the major parties?

Chair: Mr Flynn, order. We are not discussing the House of Lords today.

Paul Flynn: We are discussing this plea from the—

Chair: No. Okay, you have made your point. You have made your point.

Paul Flynn: I do not think I have.

Chair: We are running out of time.

Paul Flynn: Don't you think it is slightly preposterous of you to demand there be fewer elected MPs from your own position?

Lord Forsyth of Drumlean: I am not demanding anything, Mr Flynn, and if I may respectfully suggest, it is always a bad idea to shoot the messenger rather than deal with the argument.

Q181 Paul Flynn: Let's get on to the argument. People have suggested that there should be some kind of inter-governmental group to get together to discuss the way forward, and that would include the democratic associations and, of course, the House of Lords. How would you justify the presence of the House of Lords, if there was some kinds of inter-governmental groups to get together to discuss the process towards greater devolution in an orderly way?

Lord Forsyth of Drumlean: I think you are on to one point on the House of Lords and the position of the House of Lords that is made awkward, shall we say, by EVEL in the eyes of some people—people might think that Lord Lang and I are Scottish peers, but we are actually United Kingdom peers—because it does seem to be rather an absurd position that my Member of Parliament, with whom I have had meetings in the House of Lords, who is a Scottish nationalist, would not be able to vote on matters that I am able to vote on in the House of Lords. I think there is an anomaly there; I will give you that point.

You obviously take the view that the House of Lords should be elected. I think that the fact the House of Lords is not elected means that clearly responsibility to decide matters rests with the House of Commons. I believe in the primacy of the House of Commons, and I believe if I were elected I—

Chair: We have no time to discuss this now.

Q182 Paul Flynn: Have you seen Meg Russell's evidence to this Committee that suggests that to give the House of Lords some kind of contemporary legitimacy the numbers should be increased to about 1,100 because of the over-representation of Lib Dems?

Lord Forsyth of Drumlean: I think the House of Lords should be reduced in size, and I think it should be reduced in size in the same way as we did with the hereditaries, which is by the party groups voting to have working peers who are there, but I do not think that is quite what this Committee wants to talk about.

On the Scottish Parliament: there are 129 MSPs; the Parliament only sits in session for two days a week; so I think an argument that suggests that they need more MSPs in order to have more relationships with the rest of the United Kingdom is not a very strong one.

Chair: Thank you. Do you want to ask about the Strathclyde Commission, Mr Flynn?

Paul Flynn: I was going to ask about it, yes.

Chair: Very good.

Q183 Paul Flynn: It is very kind of you, Mr Chairman, to allow me to ask the question. The Scottish Conservative Strathclyde Commission proposed the establishment of a committee of all Parliaments and Assemblies to be created to consider the developing role of the United Kingdom. Can you see this as a way forward? You presume too much on my view of the House of Lords. I think it does a magnificent job and is a very valuable institution, and certainly your debates are superior to the ones that we have here. But how do you see it developing in a sensible, acceptable way in the future as part of some orderly way towards devolution, instead of taking the path of EVEL, which will lead to the breakup of the United Kingdom—I am sure you are right there—or the path of the latest wheeze from the Government, which is English vetoes for Welsh laws, which is the new proposal that they are bringing? Are we not inevitably flying apart into separate nations, and is this proposal from the Strathclyde Commission a sticking plaster that will not really help?

Lord Lang of Monkton: I am as much in the dark as Lord Forsyth about what the question is actually about—

Paul Flynn: I know. Probably just as well.

Lord Lang of Monkton: But the Strathclyde Commission to which I think Mr Flynn is referring is the one that came out perhaps after the referendum but before the Smith Commission sat. Therefore, I think in a sense it is on the shelf now, because most of the proposals that Lord Strathclyde had come up with before the Smith Commission sat were absorbed into the negotiations. I really cannot add anything else to that.

Q184 Paul Flynn: Okay. Dame Rosemary Butler, the Presiding Officer in the National Assembly for Wales, expressed her concern that the changes to the devolution settlements were being rushed. Is this something you would agree with?

Lord Lang of Monkton: Yes, I certainly agree with that. I think the whole way in which the changes to the devolution arrangements have been made is thoroughly unconstitutional.

Lord Forsyth of Drumlean: Lord Strathclyde is a good friend, and very sensible, but I think the recommendation to give the whole of the Scottish Parliament income tax, which was then agreed by all the parties, was a grave mistake. I think the United Kingdom Government need to have sufficient resources to be able to distribute them fairly throughout the United Kingdom and to maintain a common welfare policy. If all the income tax in Scotland is being spent on devolved matters, that creates an anomaly when it comes to voting on defence, or security policy or other matters. I think that was a mistake. On the other hand, I thought that the proposals in the Strathclyde Commission that there ought to be some sort of Council of the Isles was an interesting one. I see no disbenefit in that at all.

Q185 Paul Flynn: Isn't the problem that you and Lord Strathclyde are good friends, and you and the Chairman of this Committee are good friends, and it is a real obstacle? It is all the chums together fretting over the inevitable tide of devolution that is engulfing you.

Lord Forsyth of Drumlean: Mr Flynn, the House of Commons may have changed since my day, but a lot of my friends were on all sides of the House and in all parties. I think it is possible to disagree and remain friends at the same time, and agree, even, with your opponents who are not your friends, as we have done this morning, for example.

Q186 Chair: I think we are asking now about whether we think a constitutional convention is a good idea. This is constantly promoted by the other political parties.

Lord Lang of Monkton: I think, Chairman, a large number of people rushed into proposing a constitutional convention after the general election and after the Smith Commission, but they did not, it seemed to me, pause to think who would actually convene, and what the agenda would be, and what the timescale would be, and why the people who were brought together would be the right ones. I do not believe that somewhere there are a lot of very wise men who can suddenly sit round a table and resolve all our problems. I am all in favour of consultation, but we are dealing with a huge and diverse range of issues in the constitution at the present time, and I think it would be better to get advice specifically on specific issues, and then bring it together, and then bring it before the United Kingdom Parliament.

There are many ways in which Parliament can look at these issues before it moves into firm legislation. I do not need to describe them all to you, I am sure the Committee is very familiar with them. I believe in consultation, but I do not think that a constitutional convention is the perfect solution. My noble friend Lord Norton of Louth, who sits on the Constitution Committee, favours a constitutional convocation. The differences are small but important, because I think in the convocation there would be a turnover of membership according to the issues that were being discussed. At least that is my understanding, but if you take evidence from Lord Norton he may say something different.

Q187 Chair: What about this proposal that what we need is a new Act of Union, according to Lord Salisbury?

Lord Lang of Monkton: Lord Salisbury has suggested it, and so have others. The Bingham Centre produced a very good paper, which your Committee may well have studied, and they have now produced a draft constitution for our Committee, which we are studying. There are difficulties with a constitution. Either it is so bland and so general

because it just deals about principles and ideals and achieves nothing, or it is so specific that it runs into difficulties that do not gain acceptance.

Q188 Chair: How about something in between?

Lord Lang of Monkton: Yes, how about it? Perhaps your Committee would like to come up with a recommendation. But any such charter or—

Q189 Chair: My question, my Lord, was not about whether we should have a written constitution. The question was whether we should have a new Act of Union, which would be another statute.

Lord Lang of Monkton: The Act of Union would inevitably have constitutional components. It would be hard to find agreement within the Scottish Parliament for it at the present time, but in the longer term it may well be possible. So at the moment I would neither rule it in nor rule it out.

Q190 Chair: Before I leave Lord Lang, would it be sensible, rather than to have convocation or a constitutional convention, for this Parliament to convene a joint committee of both Houses, perhaps with members of the devolved Assemblies and Parliaments also attending, for that to be the forum to forge some new Act of Union?

Lord Lang of Monkton: That is possible. I do not either favour it or disfavour it. I would like to wait and see a little bit more—

Q191 Chair: What consensus would need to exist before it would be worth convening such a body?

Lord Lang of Monkton: If the consensus was absolute it would not be necessary at all, the matters could simply go to Parliament. But I think we are talking in abstracts here, because I am not quite clear what you anticipate putting before it.

Lord Forsyth of Drumlean: I think Lord Salisbury and his colleagues have done some excellent work, and I think he has approached it in a sensible way in that the material that has been produced is not dogmatic about what should happen but has identified the areas where there needs to be discussion and some kind of agreement and consensus. I think his idea of having a new Act of Union that defines the relationships between the constituent parts of the United Kingdom in a structure that will give stability is a sensible one.

On the issue of a constitutional convention, I have supported that simply because I am so frustrated by the way in which ill-thought-out, piecemeal reform has been implemented with, I think, disastrous consequences for the stability of the Union and also for the position in Scotland, speaking as someone who lives there. As I said earlier it has slowly dawned on the Scottish nationalists that what they have been asking for is going to leave Scotland with less money and higher taxes, and the arrangements in the institutions are not properly balanced, in my view, for the new position we find ourselves in. Therefore, having somebody, whether it is a joint committee, or a convocation, or a constitutional convention—call it whatever you like—to try to sort out the mess that we are in and to bring stability is desirable.

There is a Private Members' Bill from Lord Purvis of Tweed in the House of Lords at the moment that seeks to set up a constitutional convention, which I have spoken against because it is utterly ridiculous. It wants, all within a year, to sort out the House of Lords, the electoral system, the consequences of devolution, and everything else. This is ridiculous. Lord Norton of Louth's suggestion of a convocation with a ruling body may be sensible, but I do think it is important that these loose ends are tied together and that we have some kind of structure. Some organisation is going to have to bring forward ideas for Parliament to consider. I do not believe that constitutional change should be done other than on a consensus basis. Lord Lang may be right that it is impossible to reach a consensus, but at the moment it seems to me that the Union is going off the rails, and it is important to try to resolve this.

Q192 Chair: This Committee is about trying to open new channels of conversation to lead to perhaps some degree of consensus, or at least mutual understanding about what we disagree about, or what different people disagree about.

Lord Forsyth of Drumlean: I would welcome that. As my children would say, Chairman, good luck with that.

Q193 Chair: I was going to ask you both: how best should we conduct ourselves in order to facilitate those conversations? Do you have any advice for us?

Lord Lang of Monkton: I think the report that you are engaged on at the moment is going to be a major contribution to the exercise, and I venture to hope that our Lords' Committee on the constitution will also have a contribution to make. Certainly Lord Salisbury is already slightly ahead of us in the running. He came to give evidence to our Committee, and we had a very useful session with him. There is a lot of water flowing under the bridge at the moment, and let's see how that develops and see what comes from it, and we can then take a further decision.

Q194 Mr David Jones: As Scots, how responsive or otherwise do you think the Scottish National Government would be to the notion of a constitutional convention or convocation, given that it would be predicated upon the continuation of the United Kingdom, whereas, of course, their principal aim is to destroy the United Kingdom?

Lord Lang of Monkton: I think they would be very resistant to it and would ignore it, and probably criticise anything that came from it.

Q195 Mr David Jones: Do you think there is any real merit in it, given that the important play would be, if you like, taking their bat and ball away?

Lord Lang of Monkton: Yes, there could be merit in it, because we cannot let the Scottish National Party, because it is in Government in Edinburgh, dictate what the United Kingdom Parliament considers.

Q196 Chair: What would happen if we put the boot on the other foot and were prepared to convene such a convocation or joint committee on the basis that all our minds are open because they have to be?

Lord Lang of Monkton: I think the time is not quite right, Chairman. But I have said let's wait until the work that is going on at the moment has produced some results, and let's have a look at those results and see where we are.

Lord Forsyth of Drumlean: Chairman, Lord Lang said a lot of water is flowing under the bridge. My worry is that the bridge may be broken. I think it is important that these issues are resolved. I cannot speak for the Scottish National Party, I do not know what is in their minds, but if I were the First Minister of Scotland and I was looking at the current oil price, and I was looking at the consequences of the new Scotland Bill, I would be extremely concerned that the United Kingdom might give me what I wished for, because I think it would be extremely difficult for an independent Scotland to meet its obligations. So there may be an opportunity, in a constructive way, to move forward with the nationalists.

The other point that I make is that the Scottish National Party, like me, were opposed to devolution, and they were opposed to devolution because they thought it would kill nationalism stone dead, like the then Labour Party. Lord Lang and I thought it would lead to where we are now. I think that is important, because if you look at what the Scottish Government are doing, they are centralising. We had eight police forces in Scotland, we now have one. They are taking control of the universities and so on. They are a very centralising force. I think even among their natural supporters in Scotland, in local government, and in the health service, and elsewhere, there would be an appetite to discuss the whole concept of how power may be devolved down to local level in a way that does not compromise fiscal controls, which of course is the issue that England is currently struggling with in terms of the northern bias and so on. We have not really touched on local government, but I think the relationship between central Government and local government is a central part of that conversation that, you, Chairman, say you would like to initiate.

Chair: We are certainly aware of that in respect of trying to create some balance in England, and that debate is very alive. It is interesting that you should put in front of the Committee that it is a matter for the United Kingdom Parliament—the relationship between the Scottish central Government and Scottish local government—and we will reflect on that. May I thank you, my Lords, both very much indeed for appearing before us? It has been a very, very interesting, and a very deep and worrying session. Thank you. May we have our next witness, please? Thank you very much.

Examination of Witness

Witness: **Lord Steel of Aikwood**, former Presiding Officer of the Scottish Parliament, gave evidence.

Q197 Chair: My Lord, welcome to our Committee. If you could just identify yourself for the record, please.

Lord Steel of Aikwood: Yes. I am David Steel. I was the first Presiding Officer of the Scottish Parliament. May I say, Chairman, I am very hard of hearing and I found it difficult to hear some of your questions to the Secretaries of State, so I hope you will all speak up and take that into account?

Q198 Chair: We will make our voices heard. Can I ask the first question? What is your assessment of the level of co-operation and collaboration between the four UK legislatures?

Lord Steel of Aikwood: I am sorry to say that there is no formal mechanism to secure that co-operation. It has all been pretty good and informal, but I always felt that despite the fact that the three Presiding Officers, for example, met quite frequently, simply because we happened all to be members of the House of Lords and therefore had a chance to meet—we did have one or two meetings in Northern Ireland and in Wales—there is no formal mechanism for co-operation between the Parliaments, and I think that is a mistake.

Q199 Chair: Moving on, Dame Rosemary Butler, the Presiding Officer of the Welsh Assembly, mentioned that there is a surprising amount of contact that goes on between parliamentarians in the four UK legislatures. How many opportunities are you aware of to meet and co-operate with members of other UK legislatures?

Lord Steel of Aikwood: As I have said, there is plenty of informal contact. But I do think one clear omission in the way that devolution has grown over the years is the failure to create any kind of formal mechanism for the different bodies to meet regularly, or to have representatives meeting regularly. That is something that your Committee might want to chew over.

Q200 Mr David Jones: One of the few formal forums that exist between the various Parliaments and Assemblies of the United Kingdom is the quarterly meeting between the Speaker and the Presiding Officers of the devolved Assemblies and Parliaments. What contact did you have with your Speakers in these forums during your time as Presiding Officer?

Lord Steel of Aikwood: It was fairly ad hoc. We happened to know each other and, therefore, we did meet from time to time. But there was no formal mechanism, and there was no set timetable or anything like that.

Q201 Mr David Jones: So the quarterly meetings had not been instituted during your time as Presiding Officer of the Scottish Parliament?

Lord Steel of Aikwood: They just happened as and when we felt like it, which is not really a satisfactory arrangement.

Q202 Mr David Jones: What sort of issues did you discuss when you were having your meetings?

Lord Steel of Aikwood: If I can give you an example from Wales, I think I am right in saying that in the Welsh Assembly, you changed the electoral arrangements after the Assembly came into being in terms of people standing or not standing on the list for the constituencies. That was something that we should have considered, I think, collectively, because you now have a different system from the one in Scotland, and it would have been better if we had all been able to march in step on these issues.

Q203 Mr David Jones: Did you take the opportunity of discussing issues such as that with your fellow Presiding Officers?

Lord Steel of Aikwood: Yes. Of course, as you know, my successor as Presiding Officer, George Reid, was very active in working with the Welsh Assembly after he ceased to be Presiding Officer. There has been a lot of that sort of informal contact, but as I keep saying, nothing set down on paper.

Q204 Mr David Jones: I think that Lord Alderdice arranged a meeting of Speakers and Presiding Officers in 2002. Did you find that a useful meeting, and how unusual was that meeting?

Lord Steel of Aikwood: It is so long ago I cannot remember all we discussed, but yes, it was useful. You have to remember that these institutions were all fairly new and, therefore, we were all feeling our way, and it was quite useful to have some discussion. I think the conclusion we came to was that there lacked any kind of structural tie-in to the UK Parliament. When you look back on it, I would have thought there was quite a case from time to time for having some joint committees, but that has never happened, and there is no specific way to enable it to happen. It would require, I suppose, a new kind of resolution of the devolved Assemblies and the UK Parliament.

Q205 Mr David Jones: Was there any suggestion that the 2002 meeting should be repeated?

Lord Steel of Aikwood: I am sure it has been repeated. I do not know, but I am sure it has been, yes.

Q206 Mr David Jones: A number of commentators have mentioned the desirability of stronger inter-parliamentary relations. How important would you say stronger inter-parliamentary links are in the United Kingdom?

Lord Forsyth of Drumlean: When we first started there were a lot of initial difficulties, if you like, territorial difficulties—I can only speak about Scotland, but I guess the same may have happened elsewhere—between the elected representatives in the territories represented in the Scottish Parliament and those in the United Kingdom Parliament. I had quite a lot of complaints from Scottish MPs about the activities of, not so much the constituency MSPs, but the regional list MSPs in their constituencies. I spent quite a lot of time soothing ruffled feathers. I think that has settled down now, but certainly in the early days it was a bit of a problem.

Q207 Mr David Jones: How do you think that better inter-parliamentary relations could be fostered—informally, or through more formal arrangements?

Lord Steel of Aikwood: I would have thought you could have ad hoc joint committees on particular subjects; let's say the NHS, which is under strain in both England and in Scotland, so why not a joint committee looking at the problems of the NHS? Why keep them in separate compartments? I think if that sort of thing was encouraged it would improve the relations between the Parliaments.

Q208 Mr David Jones: Do you think that formal structures should be put in place to achieve this?

Lord Steel of Aikwood: I am just surprised that it has never happened. I suppose it could happen simply by resolution of the UK Parliament and the Scottish Parliament, but it has

never happened. I do not think it needs new legislation to happen, it just needs the will of the Parliaments to make it work.

Q209 Chair: The intergovernmental relations machinery is currently under review as part of the Memorandum of Understanding being agreed by the four administrations. How do you think that parliamentary scrutiny of intergovernmental relations in both Westminster and the devolved legislatures can be improved?

Lord Steel of Aikwood: One of my hobby horses—you may say this is outside your remit—is that I do believe the upper house of our Parliament, the House of Lords, could be reformed in a way that would make it much more of a quasi-federal institution, bringing together the different component parts. I go back to the Constitutional Commission that was set up by Mr Asquith after the Parliament Act in 1914. It reported in 1918 and was a huge commission. It recruited everybody from the Archbishop of Canterbury downwards. It came up with a quite interesting proposal for what the House of Lords should be—Asquith set it up because he was committed, after the Parliament Act, to replacing the hereditary Chamber with something based on a popular basis. The word used was “popular”, not elected. Unfortunately some people, including people in my own party, did not understand their history and had misinterpreted what Asquith said, but he set up that commission under Viscount Bryce. It suggested that the upper house should be indirectly elected by the House of Commons. If you take that germ of an idea and translate it to today’s situation, you could see an upper house elected by, not just the House of Commons, but by the devolved Assemblies as well, and in that case bringing all four together.

Q210 Chair: A very interesting proposal.

In terms of scrutiny, that reformed House of Lords would mesh inter-parliamentary relations with better scrutiny—certainly of the Westminster Government, the Whitehall Government—but how would you engage UK parliamentary committees in the joint scrutiny of what is happening in devolved administrations? Because that needs to be the reciprocal arrangement.

Lord Steel of Aikwood: I am jumping ahead, but if you did have a reformed House of Lords, say a new senate, on the basis that I have suggested, then their committees—and the House of Lords committees have a very good reputation at the moment—could continue, but the component elements of it would cover all four institutions.

Q211 Paul Flynn: It is fascinating to hear that the proposal of 98 years ago is probably the best thing that we have before us now. Things do work out that way. Can I say, you are uniquely placed, in having served in the Scottish Parliament, to assess how things have proceeded? I believe that you mentioned the links between those who were presiding over the various Assemblies—they did meet up in the House of Lords—but the present member who is presiding in the Welsh Assembly is not a member of the House of Lords. As things look in the future, the Scottish National Party is not putting people in the Lords, and I understand that Jeremy Corbyn is not putting people in the Lords. Do you see this as an erosion of what legitimacy the Lords have in the future and its use as a body where the Presiding Officers did meet?

Lord Steel of Aikwood: As I say, it was just chance that all three happened to be members of the House of Lords. That chance is not going to replicate itself, you are quite right.

Therefore, we ought to be searching for some more effective mechanism. Mr Jones has mentioned the meeting that we had in Belfast at the invitation of Lord Alderdice, but it really cannot just be up to the Presiding Officers. There needs to some greater co-ordination between the devolved Governments in my view, not just the Presiding Officers.

Q212 Paul Flynn: The process of devolution has its own momentum now, and is going into areas that few people expected in the recent past. Do you share the view that EVEL is more likely to lead to the breakup of the United Kingdom than any other path that is in front of us?

Lord Steel of Aikwood: Do I think that—

Paul Flynn: EVEL, English votes for English laws. By accentuating the divisions between the four nations, is it likely to accelerate the process of the breakup of the United Kingdom?

Lord Steel of Aikwood: I think the EVEL proposal, which stemmed from David Cameron's press statement immediately after the referendum, is yet another piece of lopsided mechanism, if I can call it that. I do not think it is satisfactory. I am sorry to go back to fundamentals, but I think the process of devolution has happened piecemeal. I just came in at the tail end of what the former Secretaries of State were saying, and I agree with them, it has happened bit by bit. There has been no comprehensive view of how devolution should work. I believe that the basic mistake has been to operate from the centre downwards, rather than from outside upwards. In other words, if you allowed the Scots, and the others as well, to decide what they want to have in the way of powers, and then to surrender to the UK foreign affairs, defence and macroeconomic issues, I think that would be far more in tune with public opinion, certainly in Scotland—I cannot speak for Wales and Northern Ireland—than what we have.

Q213 Paul Flynn: One of the predecessors to this Committee had the word “reform” in its title, “constitutional reform”. We do not, we have “Constitutional Affairs”. But that Committee was an enthusiast for a constitutional convention, of taking this approach that would take in the whole of the United Kingdom and suggest a formula that would be fair to the big nation, England, and also the smallest nation, Wales. Isn't that the only way forward, instead of a staggering on in a piecemeal way, as you have suggested, from the Prime Minister's statement after the referendum took place?

Lord Steel of Aikwood: Yes, I do think that the best solution would be an updated Bryce Commission. I am not, myself, an enthusiast for a convention. I chaired the Scottish Constitutional Convention, and that worked very well, but it was a small country and every local authority was represented. You can imagine what it would be like if every local authority were in a constitutional convention for the UK. It would be unmanageable. That is the reason I prefer a constitutional commission or, if you like, a royal commission or, indeed, a joint committee of all the Assemblies together working out a new settlement, a new Act of Union. I think that is the way forward.

Q214 Paul Flynn: Finally, you mentioned the set up in Wales and Scotland, and the attempt to ensure that both those bodies, the Scottish Parliament and the Welsh Assembly, were not one party in future, which first past the post would have reproduced. Both of them have introduced elements of proportional representation, possibly not the best elements of proportional representation. The likely outcome of that in a few months' time will be that

UKIP is represented, in possibly considerable numbers, in the Welsh Assembly. What is your view on the wisdom of adopting the mechanisms that they had for those two bodies? Or do you think there would be a better one now that you would like to see introduced, as an enthusiast for proportional representation?

Lord Steel of Aikwood: I was a supporter of the proposal that came from the Scottish Constitutional Convention and was written into the Government White Paper in the early days of the Blair Government. But in the light of experience, I am not sure that the regional list system, which was copied from Germany, is in fact the best one, because it creates two categories of members; those who are directly elected and those who are the sort of topping-up members as well. I do not think that is the most effective system you could have. Equally, having represented a very big constituency, a big one territorially—I was the only MP in the House of Commons who covered three counties, Roxburgh, Selkirk and Peebles—I was always a bit unenthusiastic about my own party's policy of multi-member seats, because in the rural areas you would have such a huge area it would have been meaningless. I go back to a Speakers' conference, was it in the 1930s, that suggested you should have the alternative vote in rural areas, but multi-member seats in the cities and in the big towns. There is no system that is perfect, but I think that would have been a better arrangement.

Q215 Paul Flynn: We will go back to the wisdom of Lord Asquith to show us the way to the future.

Lord Steel of Aikwood: Sorry?

Paul Flynn: Lord Asquith is the path to our future enlightenment on this. That is the best idea that is now current, the idea of the House of Commons electing the House of Lords.

Lord Steel of Aikwood: I think that that basic idea could now be developed, given that we now have the other institutions as well.

Q216 Chair: We have discussed inter-parliamentary relations, but what is your assessment of the intergovernmental relations between Whitehall and the other administrations?

Lord Steel of Aikwood: I think that has worked rather well. Even with the conflict politically that there now is between them I think it has worked pretty well. I think the role of the Advocate General is important in dealing with legislation, and that has been a new office that has worked extremely well under successive Governments. I do not think we can criticise the lack of co-operation or the lack of contact at intergovernmental level. It is the democratic element that is missing.

Q217 Chair: What about things like co-operation on health provision, or the splitting up of the British Transport Police?

Lord Steel of Aikwood: That is a current issue that we are debating in the House of Lords at the moment, and some of us are very much opposed to splitting up the British Transport Police. But that is quite a small detail in the whole scheme of things. On the National Health Service, there are important differences between the policy in Scotland and the policy in the UK, but that is what devolution is about. They are entitled to pursue a different policy if they want to and if they can afford it.

Q218 Mr Turner: Can I ask: how is England to be represented in your non-convocation?

Lord Steel of Aikwood: Sorry, how is what represented?

Mr Turner: England. When is England to be represented, and how is England to be represented?

Lord Steel of Aikwood: I think that you have to accept that the United Kingdom Parliament will remain the UK Parliament. I have always believed that just as we used to have a Scottish Grand Committee, there is nothing wrong with having an English Grand Committee that deals with the committee stages of purely English legislation. That is quite close to EVEL, but it is not exactly the same thing, and I think it is following on the example that we already had. I served on the Scottish Grand Committee when I was an MP, and it did work perfectly well until the point came where the Conservative Party in Government was losing so many seats that it became unmanageable because it had a small minority on the Scottish Grand Committee so it sort of collapsed under its own structure. But the basic idea of saying that detailed scrutiny of legislation that applies to only part of one part of the UK should be dealt with just by the members of that part, subject to the overriding UK Parliament at the end of the day having a final say, I think is quite sensible, and it did work quite well in Scotland.

Q219 Mr Turner: The House of Lords' Constitution Committee described the joint ministerial council's plenary as ineffective and domestic sub-committees as not appearing to serve a useful service. Do you agree with that?

Lord Steel of Aikwood: Sorry, I am not hearing you.

Mr Turner: Sorry, the House of Lords' Constitution Committee—

Lord Steel of Aikwood: Yes, they said what?

Mr Turner: They said the ministerial council's plenary was ineffective and domestic sub-committees were not appearing to serve a useful purpose.

Lord Steel of Aikwood: You are talking about the ministerial committees?

Mr Turner: Yes.

Lord Steel of Aikwood: No, I have never been involved in those, so I am not able to answer your question.

Q220 Mr David Jones: Dame Rosemary Butler of the Welsh Assembly has expressed her concern that changes to the devolution settlements are being rushed. Do you share that concern?

Lord Steel of Aikwood: Yes, I do. With great respect to Lord Smith, who I think did a great job in the Smith Commission, I think the problem with the post-Scottish Referendum changes again are that they are just piling more ad hocery on top of what is an already ad hoc set of arrangements. For that reason it is slightly unsatisfactory.

Q221 Mr David Jones: Do you think that the existing UK institutions are sufficiently well equipped to deal with the sorts of changes that are being proposed and legislated for?

Lord Steel of Aikwood: I would much rather have seen, as I have said already, some cross-discussion between the different institutions before proceeding to further changes. I think that the Chairman was putting that to the previous witnesses. I think that is a sound basis on which to proceed, and I hope it might still happen.

Q222 Mr David Jones: What are your views as to the scale of the constitutional changes on the future of the Union itself?

Lord Steel of Aikwood: I do not think there should be any limit to the discussion. I think that is what is interesting about the Committee under Lord Salisbury and their proposals, that he is taking a much wider view than any of the conventional mechanisms, looking at a new Act of Union referring to the whole of the UK. I think that is the right approach.

Q223 Mr David Jones: Do you think that the existence of the Union is in danger?

Lord Steel of Aikwood: I hope not. In a funny way, I think we had a lucky escape in the Scottish Referendum. As Lord Forsyth was saying when I came into the room, and he is right about this, we were operating at that time on the assumption of an oil price of—I cannot remember. Was it around \$170 a barrel? It is now down sometimes below \$30. It would have been very difficult if the vote had gone the other way. I think the Scottish Government would have found themselves floundering. I think we have had a lucky escape, but it is not enough just to say, “We have had that escape; therefore, let’s just tinker with the machinery”. I think we should be having a fundamental look at it. I am very glad your Committee is doing that.

Q224 Chair: Lord Steel, you were a supporter of devolution, and you are a Scot with a great deal of experience of both Westminster and Holyrood. When Scottish voters, Scottish people, think about the independence of their country, what do you think they really mean in relation to the rest of the United Kingdom?

Lord Steel of Aikwood: As I said right at the beginning, I believe that most Scots feel independent in the sense that we are very proud of being Scots, that we have our own legal system. I remember Malcolm Rifkind a way, way back when he was Shadow Secretary of State for Scotland. I cannot remember what year this was—

Chair: Mid 1970s.

Lord Steel of Aikwood: In the 1970s. He said that Scotland was the only country in the world with its own legal system that had no democratic mechanism for improving or amending it. I think I am quoting him pretty directly. He was right. So in that sense we Scots have always felt that we are a different country. We have our own heritage—we have our own literature, we have our own music, we have things that we feel proud of—but we are very keen to retain the benefits of the United Kingdom. The only question is: can we update the relationship between Scotland, Wales, Northern Ireland and the rest of the UK in a way that meets those aspirations?

Q225 Chair: It is a shame that our SNP colleague is not here, because he is a very productive contributor to this Committee. What should we understand from the SNP’s reluctance to be known as “nationalist” rather than the Scottish National Party? To what extent does that suggest that they have an idea of independence that might not be what we assume it is?

Lord Steel of Aikwood: I think it is very interesting that at the last general election the slogan Nicola Sturgeon—for whom I have great regard, I have known her for a long time—adopted was not, “Vote SNP for independence”. The slogan was, “We stand for a stronger Scotland”, and that really resonated with the public. Yes, we wanted a stronger Scotland, and she articulated that extremely well. I still think that the majority of Scots would prefer to keep within the United Kingdom, but would like to see a bit more muscle behind the Scottish Parliament. That is the conundrum that we face.

Q226 Chair: Wish us luck in our dialogues that we are going to take part in at Holyrood next month.

Can I finally ask this question of whether there should be another constitutional convention? What is your view on this? The First Minister of Wales has long called for it, although he is very much in support of our more informal dialogues. Your party has been committed to it. But how practical is it as a way forward?

Lord Steel of Aikwood: I support the concept of a constitutional convention, the idea, but the problem is the mechanism. It has to be very carefully thought out because if you have a convention on the model of the Scottish one, as I have said already, it would take years. It would be very unwieldy. I just remind you that the Constitutional Convention of Scotland, from the time when the Claim of Right was started, the discussion on that, to the time when we handed over the finished blueprint, which then was converted into a Government White Paper, that time span was nearly 10 years, and that was dealing with a population of 5 million. If you tried to replicate that for the UK it is difficult to see how it would be done in less than 10 years.

Q227 Chair: If we are honest, that convention was as much a campaigning body—

Lord Steel of Aikwood: Sorry?

Chair: That convention was as much a campaigning body for a particular outcome as it was just a thinking body. We have a more difficult problem, haven't we, because we need to get people who have some very, very fundamental disagreements into the same room?

Lord Steel of Aikwood: The Convention had to operate minus the Scottish National Party and the Conservative Party, which made it a bit lopsided.

Chair: Which meant that the two fundamental disagreements were outside the room.

Lord Steel of Aikwood: Yes. It is a fair point, but it started with a consensus, and you are starting now without a consensus.

Chair: Exactly.

Lord Steel of Aikwood: That is why I tend to favour another commission on the lines of the Bryce Commission of 1918. I think if we had something like that, but really authoritative, with representatives from each of the institutions of the UK, then that might get down to work quite quickly and produce something worthwhile.

Q228 Chair: Could we constitute that around a joint committee of both Houses of Parliament?

Lord Steel of Aikwood: Yes, that is my suggestion.

Chair: I think we should end on that very happy note. My Lord, thank you very much indeed.

Lord Steel of Aikwood: Thank you all very much.