



Northern Ireland Affairs Committee

Oral evidence: [implementation of English votes for English laws](#), HC 985

Wednesday 11 May 2016

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Members present: Mr Laurence Robertson (Chair); Oliver Colvile; Mr Nigel Evans; Mr Stephen Hepburn; Lady Hermon; Kate Hoey; Danny Kinahan; Dr Alasdair McDonnell; Nigel Mills; Ian Paisley; Gavin Robinson

Questions 1 – 86

Examination of Witness

Witness: **The Rt Hon Chris Grayling MP**, Leader of the House of Commons and Lord President of the Council, gave evidence.

Chair: Good morning, Leader of the House, Mr Grayling. Thanks for joining us at quite short notice.

Chris Grayling: You are welcome.

Chair: We have obviously got quite a few members from Northern Ireland so we thought this would be a useful subject to look at, since the procedure has been going for a few months now and is a slightly contentious issue. We are delighted you are able to join us.

Chris Grayling: You are very welcome. It is also very helpful for us. When we come to the review in the autumn it will be helpful to have had the input of different Committees of the House.

Q1 Chair: Thank you. Would you like to begin with an opening statement and tell us where you are up to and what is happening with it?

Chris Grayling: I have not got very much to say beyond what you would already have expected. We are now probably midway through the period when we intend to start the 12-month review of how it is all working, once we get to the anniversary of the procedure's introduction in the autumn. By then we will be able to take a number of Bills through to Royal Assent. A number of Committees, including this one, are looking at the

issue. I hope you will offer any thoughts that you have so that we can take them into account in the review. This kind of session is very helpful to us.

Q2 Chair: Thank you. Just for clarification, certainly the party I belong to went into the election saying we were going to put this situation right and bring fairness to English voters and taxpayers. Correct me if I am wrong, but this procedure does not allow English MPs to put in a Bill something that was not already there, does it?

Chris Grayling: That is correct. Effectively, what the manifesto plan did was to give English MPs a right to say no to something that was being imposed on them by a collection of MPs from across the United Kingdom. It does not give English MPs the right to legislate, because that would de facto create an English legislature, which this does not do. This is about giving a right to say no, which was as set out in the manifesto.

The only real difference between that and the reports we published previously is that we sharpened it up a little bit, so that there was a firm and clear right in Standing Orders to say no, as opposed to a custom and practice that the view would be listened to. Essentially, this is a right to say no rather than a right proactively to create. We have seen a couple of examples in the past 12 months where the United Kingdom Parliament as a whole has been able to line up against something that English MPs wanted, and of course the English votes for English laws procedures do not prevent that from happening.

Q3 Chair: Of course, there will be different views reflected on the Committee, which we will come to in a minute. Do you really think it goes far enough? There is certainly one piece of legislation that I can think of that looked like it was going to be brought in. It looked like it was affecting England only but it was dropped because it was felt it would not get through the House of Commons. Is it fair to English voters and taxpayers that we should be restricted in that way?

Chris Grayling: There are clearly strong views about this across the House, in both directions—those who felt this went too far and those who felt it did not go far enough. I have said clearly that after 12 months, we will take a look at what this does. There will undoubtedly be those who come forward and say we should go further. There may well be those who come forward and say we have gone too far. What I sought to do was remain faithful to the principles in the manifesto because that seemed to me to be the right starting point.

Whatever the rights and wrongs of should we or should we not be able to go further on issues such as Sunday trading and hunting, should the English be able to legislate and exclude from voting those who come from other parts of the United Kingdom? That is certainly a view that some Members of this House hold. Equally, there are those who hold a diametrically opposite view. I suspect that issue will be raised at the review.

Chair: Thank you for that useful clarification of where we are up to.

Q4 Lady Hermon: I am grateful to the Leader of the House for coming along so early and at short notice to give evidence. In your remarks to the Chair you mentioned being “faithful

to the principles in the manifesto”. In the manifesto that was used by the Conservative party—just to refresh your memory, this is the manifesto that was issued by the Northern Ireland Conservatives going into the general election in Northern Ireland last year—can you recall where the principle of English votes for English laws was spelled out to the electorate in Northern Ireland?

Chris Grayling: Yes. It was published in the English manifesto. There is reference to it in the overall manifesto. It was published in detail in the English manifesto on page 60-something, if I remember rightly.

Q5 Lady Hermon: In the English manifesto?

Chris Grayling: Yes.

Lady Hermon: I am asking about the mandate. Your words were that you were “faithful to the principles” of your manifesto. Where in Northern Ireland did people have the opportunity to find out anything about English votes for English laws in the manifesto used by the Northern Ireland Conservative party in the general election? In other words, what mandate do you have for EVEL?

Chris Grayling: In the manifesto that we put forward to govern the United Kingdom, which of course is available to everyone throughout the United Kingdom, it very clearly states an intention to introduce English votes for English laws. That was set out in much greater detail in the English manifesto.

Q6 Lady Hermon: I am sorry to repeat the question, but was there any reference at all to English votes for English laws in the manifesto that the Conservative party used in Northern Ireland?

Chris Grayling: Well, in the manifesto that we produced for the United Kingdom, of which Northern Ireland is part, there was a reference to it. I can’t remember what page it was on now, but it was clearly stated that our intention was to introduce English votes for English laws.

Q7 Lady Hermon: As you know, Leader, there was a separate manifesto published in Northern Ireland. The answer is that there is no reference that I can find to EVEL in the manifesto in Northern Ireland.

Chris Grayling: But as we are both Unionists, we would also recognise that the manifesto of a party that was seeking to govern the United Kingdom would apply to all parts of the United Kingdom. The party also had a manifesto that set out some of the strategies that were very specific and individual to Northern Ireland, but English votes for English laws was clearly a matter for the United Kingdom as a whole, and it was in the United Kingdom manifesto.

Q8 Lady Hermon: Certainly as a Unionist I do agree that it is important that we respect the wishes of the people of Northern Ireland, particularly since they voted, as you know, in the referendum after the Good Friday agreement in 1998. When did you last read the Belfast agreement signed on that Good Friday?

Chris Grayling: The last time I read the Belfast agreement was about two years ago.

Q9 Lady Hermon: Excellent. How do you think the EVEL arrangements respect the constitutional settlement in Northern Ireland?

Chris Grayling: I think they respect them very well, because they do not exclude Northern Irish MPs from voting on matters that affect England, but they respect the rights of the English to have a share in the devolution settlement. Northern Ireland has a devolved Assembly that is responsible for a vast range of the matters that are covered by Members in this House—health, education and the rest. There is a very substantial devolved settlement in Northern Ireland. The elections that we had last week are for the people who will lead most of the public services that the Administration that I am part of leads on behalf of England. I think it was absolutely faithful to the principles of devolution to accept the principle of a devolved United Kingdom.

I have the sense that in England there is a degree of frustration about the Union, because it is thought by many English voters that the politicians of Scotland, Wales and Northern Ireland have been given powers over their own destiny in areas such as health and education. It is the case, Lady Hermon, that you can vote on education matters in my constituency, but I cannot vote on education matters in your constituency. It is my view that, in order to strengthen the Union and ensure that we hold together the United Kingdom—something that you and I regard as enormously important—it would be immensely unwise to have a situation where English voters were frustrated by the Union. Therefore, offering a degree of protection and a degree of devolution to the English, which goes no further than saying, “You have the right to say no to something that you don’t want to be imposed upon you” does not create an English Parliament and it does not exclude you and other Northern Irish MPs from voting on English matters. That seems to me to be a very sensible balance. It addresses the frustrations of English voters without undermining the strength of the Union.

Q10 Lady Hermon: Thank you for that very detailed and very lengthy reply. It gives rise to a number of questions, which I will take in no particular order. For the record, would you confirm that the MPs representing constituencies from Northern Ireland do not have a dual mandate and do not sit in the Northern Ireland Assembly? Therefore colleagues on this Committee, and others not on the Committee, who represent Northern Ireland constituencies are not able to vote in the Northern Ireland Assembly on health and education. The point now being reinforced by the introduction of EVEL is that we cannot vote on health and education in Northern Ireland, and we are actually being told the same here, as MPs voted in by constituencies in Northern Ireland—and Northern Ireland is part of the United Kingdom. My constituents expected me to represent them fully—fully—because nowhere in the manifesto of the Northern Ireland Conservative party did it mention EVEL. So I would like you just to confirm for the record that not only can we not vote on health, education and devolved

matters in the Northern Ireland Assembly, but now, because of EVEL, when we vote here, our votes are actually discounted. Is that not the case?

Chris Grayling: No, that is not actually the case, because of course you still have the right—an education measure cannot be introduced in my constituency without the consent of the United Kingdom Parliament, of which you are part and in which your vote counts equally with mine. The same is not true in Northern Ireland because if a change happening in education affects your constituency—you are right—you do not have a vote on that change—

Lady Hermon: Thank you.

Chris Grayling: And I do not have a vote on that change, but you do have a vote on that change in my constituency. English MPs, like myself, cannot—as we have discovered on a couple of occasions in the past 12 months—impose a solution that is opposed by the United Kingdom Parliament, in which you have an equal vote with me. What they can do is say no, if the United Kingdom Parliament chooses to do something that will affect only England, where the English do not want that change. That seems to me to be a very reasonable balance. It has not taken away from you the right to vote in Divisions on every piece of legislation in this House, but it simply gives the English a safeguard on having a change imposed upon them, as could perfectly well happen in a hypothetical example of a coalition between the Scottish Nationalists and the Labour party choosing to introduce a change to England, where the English did not want it. This provides that protection.

Q11 Lady Hermon: I am sorry; can I just ask a further question and then I will open it up to colleagues, who I am sure would love to follow up on some of the questions? You have repeatedly said that of course we can vote. But when EVEL applies, and the Speaker's certification is read out—saying that a measure is exclusively English, or English and Welsh only—is my vote and those of other Members from Northern Ireland who take their seats in this House discounted?

Chris Grayling: No, it's not, because a piece of legislation covering England—indeed, any part of the United Kingdom—cannot pass into law through this House without your vote counting. So, the answer is no; clearly your vote does count.

Q12 Lady Hermon: So why does the Speaker read out two sets of votes?

Chris Grayling: Because the measure that is in place allows the English to say no to a piece of legislation that English MPs do not want, but that legislation cannot happen in the first place—it cannot pass—without your consent. As part of the United Kingdom Parliament, you have a right of veto over a piece of legislation being introduced that affects England, but so do English MPs. If you collectively, as the United Kingdom Parliament, do not want something to happen, it does not happen. There might be a change in my constituency I deeply want, but if the United Kingdom Parliament—supported by votes from Wales, Scotland and Northern Ireland—does not want it, it doesn't happen. Your vote does count.

Q13 Chair: Just to be clear, the House can vote it down at Third Reading. Is that what you are saying?

Chris Grayling: Well, all the way through. The whole House votes to give a Bill a Second Reading. It votes through Report stage and it votes at Third Reading, so a piece of legislation cannot pass into law without the consent of the United Kingdom Parliament, in which every single Member from all four parts of the United Kingdom takes part.

Q14 Lady Hermon: So what is the point of having EVEL? EVEL is not a veto?

Chris Grayling: I have given a very practical example. Let us imagine that a theoretical future Government, which might be a coalition between two of the parties in Opposition at the moment, sought to legislate for England to make a radical change to healthcare, for example: to scrap clinical commissioning groups. Let us suppose the English Members of Parliament in overall terms did not want that change. The double majority vote or the English Grand Committee stage would allow the English to say, “Actually, sorry, we don’t want that.” That is only right and proper, because it is within the gift of Northern Ireland, Scotland and Wales to take their own decisions about education matters. It is not unreasonable for the English to be in a position, not to take their own decisions about introducing education changes, but to say, “No, we don’t want something” if that something is being introduced by the United Kingdom Parliament as a whole.

Lady Hermon: I am sorry; I feel I need to open it up to my colleagues, but I would like to come back and ask further questions.

Q15 Chair: We will come round on this one. Just to be clear, though, a future Labour-Scottish Nationalist coalition could introduce a Bill—surely they could still pass it, because the English MPs could not put in an extra amendment?

Chris Grayling: A future education Bill that changed the nature of education in England—under the system we have introduced, English MPs could block that. What English MPs cannot do is introduce a change in their own right. English MPs cannot decide to reintroduce grammar schools, for example, but if the United Kingdom Parliament made the decision to introduce a change—scrapping free schools, for example—and the English MPs did not want that to happen, it could not happen without the consent of English MPs as well.

Q16 Chair: But at which stage could the English MPs vote it down?

Chris Grayling: It would be voted down at the Grand Committee stage that followed Report.

Q17 Nigel Mills: Chris, can you just talk us through how this will work on tax measures, because clearly every year we set rates of taxes across the United Kingdom in the Finance Bill. Say, for example, that Scotland is now setting its own income tax rate. Who will get to vote on the income tax rate that applies in England, Wales and Northern Ireland?

Chris Grayling: The whole Parliament will vote on the overall Budget, but a tax change that affects only England will have to have the consent of English MPs. You could not have a situation where, for example, a United Kingdom Parliament—a coalition between two of the parties that are today in opposition—decided that they would deal with their budget challenges by whacking up income tax for England without any tax changes affecting other parts of the United Kingdom.

Q18 Nigel Mills: You say “a tax change”. The problem is that every year in the Finance Bill we set the income tax rate for the year: it is an annual tax, not a tax that stays unless you change it. How will that happen in the context of a Finance Bill? Will only certain MPs get to vote on that clause?

Chris Grayling: It will be done through double majority voting, so you will need the consent of both. I think that is reasonable, because if you are in a position where a tax is devolved—if we devolve to Scotland the powers it clearly now has to vary the top rate of tax—it is not unreasonable that English MPs should have the ability to say no to an equivalent tax rate change in England that is being voted on by the United Kingdom Parliament as a whole. It needs the consent of both for it to happen.

Q19 Nigel Mills: I am just trying to understand how we achieve that. Is that done as part of the Budget or of the Finance Bill process? If it is the Finance Bill process, is our—English, Welsh and Northern Irish MPs’—only option in the income tax scenario to block the whole Finance Bill, or could we choose what the rates are?

Chris Grayling: The rates would normally go through in the Budget resolutions, which is where a double majority vote would happen. The Finance Bill would typically not set rates, because the rates have to be set immediately after the Budget, but the principle of the consent from both applies in the Budget resolutions. But, yes, you could imagine a situation in which English MPs effectively sought to bring down the Budget. But we have set this up through Standing Orders rather than legislation, so in that situation there would be a huge bust-up and the Administration would probably suspend the Standing Orders.

There is a tension here. This has been set up with Standing Orders; a future Administration could get rid of this system at a stroke, but in doing so it would have to accept that it would be saying to the English, “We are taking away your piece of the devolution settlement”, and there is clearly a political price to pay for doing so. Equally, if English MPs sought to wreck the Budget and forced the Government of the day to abandon this, there would be a political price to pay on that. I think most reasonable people would say that if a tax rate only applies to England—if it has been devolved to Scotland and the Scottish Parliament is deciding on a tax rate that affects Scotland—it is not unreasonable that the English should have a say on how this operates.

Q20 Nigel Mills: That is an inspiration that has just come to you. It clearly matters in the context of Northern Ireland because the Northern Ireland Assembly will set the corporation tax rate that applies in Northern Ireland, and I think it already sets one air passenger duty rate and other taxes. So, to work this out, Northern Irish MPs will vote on a corporation tax rate

that their companies do not pay, so they can choose to lower the corporation tax rate in Northern Ireland and then try to keep us with a higher one so that we cannot compete. We have not gone as far as saying you only vote on taxes that apply in your constituency.

Chris Grayling: No. The whole point is that, all the way through, we have sought not to exclude any Member of the United Kingdom Parliament from voting on any measure that goes through the United Kingdom Parliament.

We can take, very practically, the tax changes in Scotland. Their equivalent devolution has not taken place elsewhere in the United Kingdom, so votes take place elsewhere in the United Kingdom. In that situation, if we are talking about income tax rates in Scotland and that is in the Finance Bill—or, more likely, in the Budget resolutions—when it comes to the Grand Committee stage, the double majority is for those parts of the United Kingdom not affected by the devolved tax change.

The principle is very straightforward. If we have devolved a tax change to a constituent part of the United Kingdom, it is not unreasonable that the rest of the United Kingdom should have an equal say on the equivalent tax change in their areas.

Nigel Mills: No, I agree. I think when people are not paying a tax, they should not have any say on the rate it is set at. That seems perfectly fair. There has been a long-standing no taxation without representation campaign.

Chris Grayling: But in process terms it would be typically in the Budget resolutions rather than in the Finance Bill. And the Budget resolutions are a double-majority count.

Q21 Nigel Mills: So each and every Budget resolution is a double majority.

Chris Grayling: If it is partly devolved, yes.

Q22 Nigel Mills: I think clause 1 of the Finance Bill is usually “Income tax rates for the next year will be 20%, 40% and 45%.” Maybe I am misremembering.

Chris Grayling: Those go in the Budget resolutions, because they have to be implemented straightaway. The Finance Bill will not get Royal Assent until later in the year, but the tax rates announced in the Budget start from 5 April.

Nigel Mills: I don’t know why that clause is in the Bill, then.

Chris Grayling: It is confirming that the House has already approved the tax measures, which have to start—

Q23 Nigel Mills: Clearly large parts of a Finance Bill like that will apply across the whole of the UK and then some relatively large parts of it will now apply only in different parts of the UK. There is quite a varied situation, because I think we are devolving different taxes to each Assembly in a slightly haphazard way.

Chris Grayling: And as time goes by, more is being devolved. Things have not yet started, but, as time goes by, it will have to be the case.

The principle of no taxation without representation is absolutely the right one. If we are devolving income tax to Scotland, I think the people that we all represent in Northern Ireland and England—I do not think we have any Welsh representatives here, but the same would apply in Wales—think it is not unreasonable that they should have a say over the tax rate that applies in the rest of the United Kingdom.

Q24 Nigel Mills: Is Committee stage of the whole House subject to a double majority or is that a single one?

Chris Grayling: The Budget resolutions are where there is a double-majority vote, where we simply walk through the Division Lobby once and the system tallies the English-only counts, the English and Welsh-only counts and the English, Welsh and Northern Ireland-only counts as well as the whole thing. Grand Committee will be after the Report stage of a Bill. So there is potentially a Grand Committee stage if indeed it is called for—it does not automatically follow that there is a Grand Committee stage; there is only one if an English or Welsh Member of Parliament objects to the legislative consent motion and calls for one—but the Finance Bill has a legislative Grand Committee stage.

Q25 Nigel Mills: Finance Bills have Committee of the whole House, with some of the Committee stage taken on the Floor of the House.

Chris Grayling: Yes, but it would still be at the end of the Report stage.

Q26 Nigel Mills: So there is not a double majority on amendments at that stage.

Chris Grayling: No. It is at the end of the amending process, before we get to Third Reading.

Q27 Danny Kinahan: Thank you for coming in today, Minister. You know that my greatest concern has always been the Union. Is anyone actually looking at all the different changes that are going on—EVEL is absolutely key, but there is also your devolution to cities and to areas—to make sure that we have some consistency, to avoid the game of leapfrog as Scotland tries to have different things from Northern Ireland or the northern powerhouse? Has anyone got a broad plan?

Chris Grayling: I think there is a fundamental difference between the principle of devolution in England and what has taken place in Wales, Scotland and Northern Ireland. In Wales, Scotland and Northern Ireland, there are legislative Assemblies. That is not the Government's plan in England. We are going through a process of administrative devolution in England, but we are not giving legislative powers to the northern powerhouse. That is important to remember and understand. That is a key reason for some of the differences in our settlement. There are a whole range of issues. Look at Scotland and Northern Ireland, which have the most complete devolution settlements. Wales has a

less substantial devolution settlement in areas such as policing, so the measures do make some provision for English and Welsh votes for English and Welsh laws when it comes to policing and law and order matters.

On the Union, my view is that this gives those representing English constituencies an answer to constituents who say, “We are giving all this power to the Scots; what about me? What about us?”, without, in my view, devaluing the role of the representatives of other parts of the United Kingdom. I looked to see if there was any reference to English votes for English laws in the debates that have just taken place in Northern Ireland in the election campaign; I have seen no evidence that it has come up at all. I think we have delivered something that gives us an answer to the English, without actually creating a great nationalist fervour anywhere in the United Kingdom. I know we have heard a lot of rhetoric from the SNP on all this, but I have not seen any sign that this was a great issue in the Scottish elections, either.

Q28 Danny Kinahan: I think you are right; I did not ever get it on the doorsteps. But we do get lobbied, through emails, on legislation that is going through here, because they see that legislation being looked at here and go, “That’s a good idea for Northern Ireland; I want to change it”, so it does affect us. We therefore need to have a say—

Chris Grayling: But that is why you do have the say, and I think it is very important—

Q29 Danny Kinahan: What is missing, then, in all of this is a linkage system. Many times, we ask a question of a Minister and he says, “It’s devolved”, but if it is an education matter, the tests and the exams that the students take relate to how they get into university. If it is cancer—you can go into each area. We seem to be missing that whole linkage system so that we learn and gain from each other, as a United Kingdom, and share the benefits. That is what I think is really missing in the whole system. There is no cross-cutting and influencing of each other, which EVEL could possibly make worse.

Chris Grayling: Yes, it is true that you cannot ask questions in the Northern Ireland Assembly about Northern Irish matters, but if you want to ask about a change that is envisaged in health, education, justice or whatever in England, which you think might have an impact on Northern Ireland, you are absolutely able to do so. I used to take questions all the time from Northern Irish MPs about justice, when I was Justice Secretary, even though it is a devolved matter. There are no limitations on any of you on the subjects you can discuss, the questions you can ask, the debates you can take part in or, indeed, the matters you can vote on in this place. The only change is to say that the English can say no if there is something they do not want. I do not think it has clipped your wings at all, in terms of your ability to question on issues that may one day affect Northern Ireland.

Q30 Danny Kinahan: I agree with that, and we can have an effect on getting our colleagues at the Assembly to ask the questions that we want. The other angle, if you come down to the minutiae, is Northern Ireland Question Time; it is still very hard for any of us from Northern Ireland to get in, because we are just part of the 650, having our go. If you keep evening it

out, maybe one day we should be looking at that: how do we still let everyone have a go, but let the Northern Irish have a slightly higher preference?

Chris Grayling: It has been suggested. I think it probably works the other way around: in the same way that you want to be able to ask questions about matters that may one day affect Northern Ireland but are currently about England, there are a lot of Members here who are concerned about issues in Northern Ireland. Northern Ireland is very dear to the hearts of very many people in this House. The desire to be able to question about the current situation in Northern Ireland is very important. Of course, ultimately, who gets called is a matter for the Speaker. However, I would argue that the point you just articulated works in reverse, because a lot of people care very passionately about Northern Ireland, including the Chair of this Committee.

Q31 Chair: On that point—I am going slightly off the subject, so we will not spend long on it—I have asked in the past whether it is possible for Northern Ireland questions to have an element of topical questions. There was an occasion once when there was a very serious incident in Northern Ireland and a Member tried to raise it and the Speaker—quite rightly, technically—ruled it out. Would it not be sensible to allow perhaps 10 minutes of topical questions for Northern Ireland?

Chris Grayling: I am very happy to do that. Also, if this Committee would like to recommend it at some point, we are looking at changes in that respect in one or two areas, and I would be very happy to look at that. I will talk to the Northern Ireland Secretary as well.

Q32 Ian Paisley: Chris, given that the Government have a majority here in England and indeed in the United Kingdom Parliament, do you think that it is likely that any legislation would actually change, during the life of this Parliament?

Chris Grayling: No. One of the advantages of introducing this at this moment in time is that it gives us the ability to try the system—to road-test it—to see if there are any parts that do not work and need to be modified, and to make those changes in an environment that is less pressurised than it might otherwise be.

Q33 Ian Paisley: There would really have to be a rebellion on your side of the House.

Chris Grayling: That is correct, and of course if we are not successful in the next general election, there will be a question, if we have a hypothetical coalition—logically, it would probably be between the SNP and the Labour party—who could choose to suspend or get rid of the Standing Orders. My response to that would be that there is a political price to doing that. If you are a Labour MP representing an English constituency, you will have to defend to English voters the fact that you have taken away their bit of the devolution settlement. It is an interesting question as to whether it would be changed by a future Administration, but my view is that it is better to bed the system in so that people are used to it, and it is a natural part of the working of this House, so that when the time comes when it may need to be used in anger, it is working well.

Q34 Ian Paisley: A former Clerk of the House has expressed the view that there is some difficulty for the general public in actually understanding the process. Do you think that that makes for good politics outside—that if people of his calibre and parliamentarians sometimes scratch their heads and wonder what is going on, the general public must be a little more confused by procedure here? The procedure is difficult enough here at times.

Chris Grayling: It depends how much you try to explain the complexity of the procedure. Actually it is very simple to explain, in the sense that if there is a measure that affects only England, or England and Wales, it can only pass through the House with the support of English and Welsh, or English, MPs, as well as of the whole House. I think that is something everyone can understand. As for the minutiae of the process of a Legislative Grand Committee, and of legislative consent motions, take the devolution settlement at the moment: how many members of the public would understand what on earth a legislative consent motion is? I think the principle is very simple to explain, but you are right: often the actual process itself, to make it work, is legally and otherwise complex, but we would never explain it in those terms anyway.

Q35 Ian Paisley: You obviously feel that the principle is really good. Its logical extension would be that if a measure affects only Northern Ireland, only Northern Ireland Members of Parliament should ultimately vote on it. Consider two of the Bills that went through the House during this session of Parliament, the Welfare Reform and Work Bill, and the Northern Ireland (Stormont Agreement and Implementation Plan) Bill. If Northern Ireland Members alone voted on those, the outcomes and amendments might have been very different.

Chris Grayling: I will give two responses to that. The first thing is that what makes the situation for England different is that England is the only part of the United Kingdom that does not have a legislative Assembly of its own. Therefore there is a need to have an English votes provision—and one for English and Welsh votes, because of the devolution settlement in Wales being less broad than Northern Ireland's. I think there is a fair balance in what has been done.

The other point, in relation to Northern Ireland, is that Northern Ireland only has 18 Members of Parliament. I think it is that, isn't it? Not all of those take their seats; so it would be challenging to constitute a Committee of this House with only Northern Ireland MPs in any case.

Ian Paisley: It would be good fun, though.

Chris Grayling: I would also argue that the subjects we are dealing with in the Stormont House agreement, for example, are of interest and relevance to the whole United Kingdom. The whole United Kingdom has been affected by the troubles that took place in Northern Ireland. The whole United Kingdom has a vested interest in the peace process, in everything that all of you have achieved in Northern Ireland, and in helping you to keep that process going. I would argue that that is a very good example of something that is a United Kingdom matter.

Q36 Chair: Going back to discussions, I do not know whether the other original Grand Committees—Northern Ireland, Scotland and Wales—sit, but the Northern Ireland one does not seem to sit at all these days. Does it still exist?

Chris Grayling: They meet occasionally. The Scottish one has met, and I do not know when the Northern Irish one last sat, but to a significant degree they have been superseded by the devolution settlements. A huge range of Northern Irish and Scottish issues in particular are dealt with in Belfast and Edinburgh; that is so to a slightly lesser extent in Wales, in Cardiff, but even the Welsh settlement is expanding, or will be in due course.

Q37 Gavin Robinson: Good morning. Following on from the exchanges with Danny about Northern Ireland questions, I accept that many in the Chamber take a particular interest in Northern Ireland, but to illustrate the point, may I encourage you to have a look at previous questions from either your colleagues in the Conservative party, or the Labour party? On each and every occasion, you will find exactly the same question from about four or five Members, which are successful in the ballot and grouped together; it takes up an incredibly long time, and it tends to provide no new information, ideas or policy. I guess with our particular focus, we are coming with new and detailed questions on each and every occasion, so there is frustration. While there is an interest among your colleagues, when we see that 10 of the 15 questions selected are exactly the same, it really does not make this a valuable part of parliamentary procedure. I encourage you to look at that. Yes, there is an interest across the House, but when it becomes very familiar on each monthly occasion, the impact is diluted. I encourage you to look at that.

As a responsible leader of men, how important do you think it is to challenge misconceptions and myths among your own electorate?

Chris Grayling: One always attempts to challenge the misconceptions and myths on which you are elected, but it depends on the circumstances.

Q38 Gavin Robinson: Well, you talked of English frustration with the inability of English MPs to get an outcome that they wish for. Is it not your job to turn around to your electorate and say, “Actually, that doesn’t happen”?

Chris Grayling: What I do know—I have experienced it on many occasions—is that there is a frustration among English electors that there has been a substantial amount of devolution to other parts of the United Kingdom, but that there is not a devolution package for England. I have heard it time and again, and most people who represent English constituents have heard this from time to time. As a staunch Unionist, I do not think that a resentment from England about the other parts of the Union is a good thing for the Union. Taking a sensible step to be able to say to those people, “We have adopted measures that will give you a share in the devolution settlement”, seems to me to be an entirely sensible thing to do.

Q39 Gavin Robinson: I am not sure—perhaps this is up for discussion—whether people accept a technocratic, Standing Order amendment as a devolution package for England. I am

not sure that people will take that at face value. How many times do you feel that it has been necessary to have a provision like that? How many times would it have fundamentally altered a decision of the past 15 years?

Chris Grayling: Probably the best example was back in 2003 or 2004, when the increase in student fees was introduced. It only affected students in England, but it was voted through with a majority of two or three, if I remember rightly, and the majority came substantially from Scottish MPs. So the measure was carried by Scottish MPs, but did not affect students in Scotland.

Q40 Gavin Robinson: So the answer to that was to introduce this amendment, rather than for the coalition Government to decide to reduce student fees. You increased—

Chris Grayling: But that is a policy decision for the individual Government at the time. The question is whether it is right to be able to introduce a significant change to the way of life of part of the United Kingdom, affecting only a part of the United Kingdom, against the wishes of the people who represent that part of the United Kingdom. On that night back in 2003 or 2004, if there had been a system of double majority voting, that increase would not have happened, because there was a majority view among English MPs that they did not want it. That voting could not happen, because no such system was in place.

Q41 Gavin Robinson: So rather than say to your electorate, “Actually, this doesn’t happen. Your fears are unfounded—there has been one example in the last 15 years—and England makes up 86% of the United Kingdom, so you are safe. Be comfortable; you don’t need to worry”, you decided to play to the right and to assuage those whom you were afraid would go to UKIP. At the same time, you handed a massive propaganda coup to the SNP and those who want to break up this Union.

Chris Grayling: I have seen no evidence at all that this issue has played any part at all in any of the recent elections in Wales, Scotland and Northern Ireland. I do not think I have handed people a propaganda coup at all. The SNP has made a noise, but I see no evidence that the issue has made any difference on the ground to the politics of Wales, Scotland and Northern Ireland.

Q42 Gavin Robinson: Has it made any fundamental or identifiable difference to the politics of England?

Chris Grayling: If it stays in place through to the point where we do not have a clear majority of English MPs in government, it will make a difference, yes.

Q43 Gavin Robinson: What plans do you have to ensure that this notion of the predictive text of policy does not happen through EVEL? That is the notion that even if EVEL does not appear to have any impact on the devolution arrangements at all, many pieces of legislation will trickle down. As a result of reduced administration, devolved institutions will say, “They have done that in England. We are going to do it in Northern Ireland now.”

Chris Grayling: They have the freedom to decide. If we introduce free schools in England, and Northern Ireland does not want to have free schools, Northern Ireland does not have to have free schools. That is what devolution is all about. I am sure you would not want to go back to a situation where devolution did not exist.

Q44 Gavin Robinson: No, but I understand the practicalities of the size of our Administrations, and I also recognise the Barnett consequentialities that come with decisions taken in England. The decisions you make have an impact on the resource available for devolved Administrations and the policy programmes.

Chris Grayling: You see, that point is actually not right, because individual legislative decisions taken within England may move the budgets around within Departments, but they do not allocate additional public spending to Departments. That is done through the estimates process, which has not changed.

Q45 Gavin Robinson: So you do not feel that there is anything to look at as part of this review. That is the question. I am asking about the steps you will take as part of the review. It is a fair question. You do not feel that there is any need to look at this.

Chris Grayling: I am not going to pre-judge the review. Everyone will have the right and ability to come back and say, “This is what I think”, in the review. I stand by the principle of the change. It is not the Government’s intention to get rid of the English votes for English laws system. The Government’s intention is to listen to all sides of the House, and if there are ways in which people believe it can be improved, simplified or modified, I am entirely open to listening. You have said, “Are we, at the end of this year, going to say, ‘Actually, no. We will get rid of English votes for English laws’?” No, we are not.

Q46 Gavin Robinson: That was not the question. The question is: do you have any plans to ensure that where we see policy providing predictive text of change—when policy is agreed in England and then comes to Northern Ireland, Wales or Scotland—you will consider the mechanisms through which Northern Irish, Welsh and Scottish MPs can have their say and make a difference?

Chris Grayling: If you can come up with examples for me as part of the review process that we may not have thought of, where there is clearly a material impact that we have not previously understood, of course we will look at that very carefully.

Gavin Robinson: That is very kind. Thank you.

Q47 Oliver Colvile: First, thank you very much for coming to see us. It is good to see you here. There are several questions that I want to ask you. First, there are obviously major infrastructure issues here in England that will have an impact on Northern Ireland, Scotland and Wales. I will give you two examples. One is Heathrow and the potential new runway, and the other is HS2. Both will have a significant implication for the Northern Irish, Scottish

and Welsh economies. How will you try to ensure that those views are taken into account in the course of the whole process, if legislation is needed?

Chris Grayling: It depends on the nature of the legislation. If it is a planning measure that relates to how you shape an agreed project, as in the walls and earth banks that you put up and all the rest of it—those things can very much be a part of these measures—that is a very different question from the principle of the project itself. I do not know at this stage what the decision on airports will be and what legislation if any might be needed, but it would be for the Speaker to certify, when it came forward, whether the measure was a United Kingdom measure or not, and that would depend very much on the nature of the legislation.

Q48 Oliver Colvile: You may be surprised to know that those of us in the south-west are quite keen to have the runway at Heathrow rather than elsewhere, because we see it as a national issue, rather than a regional one. That is important.

Secondly, although this stuff reflects the House of Commons, it will obviously have an impact on the House of Lords, too. Are the Government thinking about potentially ensuring that Members of the House of Lords are identified with a particular region within the United Kingdom, so that you would have to be an English, Northern Irish or Scottish Lord? Although we can do things in this House, when it gets to the House of Lords that is another issue. Will you be looking at that as part of your review?

Chris Grayling: That is a very different question and might open another can of worms that I would not wish to open. So no, there is no plan to do that at the moment. The thing is that the House of Lords represents the whole United Kingdom; I do not think it would work to try to impose a geographical structure there.

Q49 Oliver Colvile: Finally, as you know, I have been doing quite a big campaign—you have participated—about hedgehogs, which has been very interesting. As you may know, about 32,000 people have signed a petition for hedgehogs to be a protected species. There are parts of Scotland where there are no hedgehogs, particularly up in the Western Isles. That is a devolved matter, I suspect; it is for the various Assemblies to decide whether to make them a protected species. Do you think that issue would be covered by EVEL legislation?

Chris Grayling: If there were legislation to protect hedgehogs in England, I suspect the Speaker would judge it to be an England-only matter, and therefore it would be subject to EVEL procedures. It seems unlikely that anyone would move the legislative consent motion objection that would stop the hedgehog from being protected, though.

Oliver Colvile: I might yet do a ten-minute rule Bill on this subject. We have yet to go further.

Chair: That might be the best way forward.

Q50 Dr McDonnell: Thank you, Chris, for a very enlightening discussion. We have paid a fair bit of attention to legislative Assemblies—indeed, they are at the core of this—but

ultimately how much real power do these Assemblies have? Surely, ultimately the financial choke lead, for want of a better description, rests with the Chancellor and the Treasury. Surely, all they are doing is implementing or filling out the framework that has already been set for them in this House.

Chris Grayling: We are fulfilling a commitment and, at the same time, putting in place a reasonable structure. You talk about the Chancellor and the Treasury: there is a big change happening there, so we are now devolving far more in tax-raising powers to the devolved Assemblies. That is right and proper. Nigel Mills made the point about no taxation without representation. It is right to have a structure like this for finance matters as that change happens, as well as being able to answer the overall principle.

Q51 Dr McDonnell: But surely any variation in tax powers will be from a baseline that will be set here. My concern is around the Barnett formula; ultimately, vulnerable regions such as Northern Ireland might end up very vulnerable if English votes for English laws ended up with English legislation perceived here to be English around the Barnett formula were treated specially, which could in fact prejudice the more deprived regions. Is that a possibility?

Chris Grayling: There is an inevitable consequence of devolution of tax-raising powers. What you cannot have is part of the United Kingdom with the power to levy its own taxes but a perpetual guarantee of exactly the same amount of grant, no matter what they do with those taxes. You cannot have a situation where you say to Scotland, “Here, you have got the power to vary income tax but, if you decide to cut it, we’ll make sure you have the same budget overall to spend.”

There is a consequence of tax raising that impacts on the amount of money the devolved Assemblies have. The agreement that the Treasury has reached with Scotland in particular has been to ensure that over a period of years there is a sensible package there. None of us wants suddenly to destabilise the finances of any part of the United Kingdom but, inevitably, if you gain tax-raising powers, you take with that a degree of risk or ambition or ability to cut or increase budgets too.

Q52 Dr McDonnell: Yes, I see that, but my concern is that that, again, is a variation from a baseline. The baseline, the Barnett formula that is set, has quite frankly been generous to Northern Ireland—maybe not generous enough at some times, but generous—but my worry would be that some day a Chancellor of the Exchequer could wake up and say, “Sorry, we’re going to slash the Barnett formula—the Barnett formula’s gone. It will be regulated here and treated as an English matter.”

Chris Grayling: Changing the Barnett formula wouldn’t be an English matter—it couldn’t be. Of course, the whole Commons has to vote on the Budget, so this is not something where the English have the right to vote in their own right.

The future of the Barnett formula will be in the hands of future Governments; we have said that it will inevitably wither to some degree, as time goes by, as devolved Assemblies take greater tax-raising powers themselves. But a dramatic change to the Barnett formula could not take place without a vote of the United Kingdom Parliament—and that could happen at any time, with or without EVEL.

Q53 Chair: Could I go back to something we touched on very briefly? I think it is a very unfortunate consequence of devolution that Members of Parliament from Scotland, Wales and Northern Ireland cannot have a say on the health service and education service in their own constituencies and cannot ask direct questions about them either. I think that is very unfortunate. Can you give us an assurance that, as you are devolving powers to Greater Manchester, for example, the same thing will not happen there—in other words, that Greater Manchester MPs will always be able to raise any issue they wish in this House? Can you give that assurance?

Chris Grayling: Yes, because there is no intention of creating a legislative Assembly for Greater Manchester. That is the difference: we have created legislative Assemblies and had legislative devolution across the United Kingdom, but it is administrative devolution within England and there is no plan to change that.

Q54 Chair: In London, where we do have an Assembly, there is no possibility of London MPs not being able to ask any question they wish in this House?

Chris Grayling: No.

Q55 Lady Hermon: Several points have not been touched on yet, including the Speaker. The Speaker has been dragged into what I would describe as this very controversial system. Are you able to say how comfortable the Speaker is with the certification process?

Chris Grayling: The Speaker's personal sentiments are a matter for the Speaker, but, as far as I can see, the Speaker certification process has been working fine. The Speaker has always certified measures. The Speaker takes political decisions every day of the week: whether to grant an urgent question, whether to pick a particular amendment, whether to certify a Bill as a money Bill. His job is effectively to be our referee; I don't think this changes the nature of his job—it simply asks him to take on an extra responsibility.

Q56 Lady Hermon: Will he be allowed to give reasons why a particular clause or statutory instrument is certified as being exclusively English?

Chris Grayling: He has not traditionally done so, but I am entirely relaxed if he wishes to.

Lady Hermon: Entirely relaxed?

Chris Grayling: Yes.

Q57 Lady Hermon: May I just make an early representation? I think it should be for the Speaker to give reasons in the Chamber.

Chris Grayling: But the point is that the Speaker can. I am not going to say to the Speaker, "You can't give reasons." If the Speaker chooses to give reasons, that is up to him.

Q58 Lady Hermon: In the Chamber or outside the Chamber?

Chris Grayling: Again, it is up to the Speaker. It would not be for me to gainsay the behaviour of the Chair. If the Speaker chooses in future to give reasons for the decisions he takes, that is very much a matter for the Speaker. It is not a matter for Government, or for Parliament really; it is a matter for the Speaker.

Q59 Lady Hermon: Okay. As a matter of curiosity: in your previous role as Lord Chancellor, you very kindly came to Belfast for the calling to the Bar of a number of barristers, so I know you will be familiar with the role of the Attorney General for Northern Ireland. Presumably you have discussed the consequences of EVEL with the current Attorney General, John Larkin?

Chris Grayling: My team has had discussions with all the devolved Assemblies over the time of this; I have had discussions in the past about our plans with people from the devolved Assemblies. I don't remember talking to John Larkin about it, but we have certainly had discussions with the Northern Ireland Administration. If they have views that they want to put forward for our review, they can as well.

Q60 Lady Hermon: I think I understand you as having said that your officials have talked to the devolved Administrations. But have you personally, as Leader of the House, discussed—

Chris Grayling: With John Larkin? No, I haven't.

Q61 Lady Hermon: You haven't. Do you not think it would be wise or useful or interesting or helpful?

Chris Grayling: I have had extensive discussions about this with the Northern Ireland Secretary, as I have with the Scottish Secretary and the Welsh Secretary. A lot of the interaction over our changes took place through the relevant Government Ministers.

Q62 Lady Hermon: Do you think it would be helpful to have a word with John Larkin at some stage to understand how EVEL has perhaps impacted on the Northern Ireland Assembly—or, indeed, the views of those MPs from Northern Ireland who actually take their seats?

Chris Grayling: I am not aware that anyone in the Northern Ireland Administration has raised concerns with me or us about the way this is working, but of course I am always happy to have discussions with people if they have concerns.

Q63 Lady Hermon: Excellent. In response to questions from colleagues on the Committee, you made the point that in the recent elections you did not hear EVEL being mentioned, or there was no feedback about EVEL being mentioned, in Northern Ireland, Scotland or Wales.

May I just ascertain whether in fact your candidates—in other words, the Conservative candidates who ran in the Assembly elections in Northern Ireland—mentioned EVEL on the doorsteps in Northern Ireland? Did they mention English votes for English laws?

Chris Grayling: I wasn't listening, so I have no idea what discussions they had. All I can say is that I have had no reports whatever back from Scotland, Wales or Northern Ireland that this came up anywhere as an issue in the election. You may tell me I am wrong, but no one, either in my party or elsewhere, has said to me that this came up as an issue at the elections.

Q64 Lady Hermon: The valid point I was trying to make was that it is very easy to say that you did not get any feedback saying it was raised as an issue. The question that I am asking is: did the candidates for the Conservative party seek a mandate? This procedure has zero mandate in Northern Ireland. None of your candidates was successful in the general election last year. Do you know whether any of your candidates were successful in the recent Assembly elections?

Chris Grayling: We are a United Kingdom Government. We are elected as a Government of the Union. We have a majority across the Union and we were elected on a mandate that included the provisions for English votes for English laws. There are parts of the United Kingdom where we did not get any support at all.

Lady Hermon: Absolutely, yes. Correct.

Chris Grayling: There are parts of the United Kingdom where we got lots of support. I regard our job none the less as to govern for the whole United Kingdom. I am not sure how many votes we got in Stephen's part of the world, but I can tell you the north-east is not necessarily fertile ground for the Conservative party, even though we have some valued colleagues there. That does not stop us from governing to the best of our ability in the interests of the north-east.

Q65 Lady Hermon: So the answer is that none of the Conservative candidates was successful at the general election and none was successful in the recent Northern Ireland Assembly election, so there is no mandate for EVEL in Northern Ireland.

Chris Grayling: It depends whether you regard us as being part of a Union or not.

Lady Hermon: Of course I do.

Chair: We covered this point quite extensively earlier, so maybe we can develop it a little bit.

Q66 Lady Hermon: Thank you, Chairman. I am just following on from that. There are four Sinn Féin Members who do not take their seats. Would you accept that technically that means that the Government have a majority not just of 12 but actually of 16?

Chris Grayling: Effectively, yes.

Q67 Lady Hermon: Yes, exactly. So can you understand and appreciate how disturbing, concerning and rather insulting—and I am speaking for myself—I find it that those Sinn Féin Members who do not take their seats always have their votes counted in favour of the Government but that my vote is discounted at a stage in the process where a measure has been designated as exclusively English or English and Welsh only? Can you appreciate how offensive I find that?

Chris Grayling: But the only solution to that is for all of you, either individually or as your parties, to stand against Sinn Féin and beat them.

Q68 Lady Hermon: Oh, that is a surprising reply, but thank you very much indeed. The question was: can you understand how offensive I find it as a Unionist Member of Parliament to have my vote discounted at stages when legislation is going through, but for the absentee Sinn Féin Members always to have their votes counted in support of the Government?

Chris Grayling: I absolutely understand that there are many people in Northern Ireland who find it very frustrating that Sinn Féin wins seats and does not take them, but that is not something that is in the gift of the Government, unfortunately. The only way of dealing with it, as I say, is to take them on and beat them.

Q69 Lady Hermon: I have just one or two questions. I am slightly exasperated at this stage. There seems to be a disconnect between your Government, which claims to be a one nation Government, and those of us who represent Unionist constituencies, or who are here and take our seats, and who wish to make a contribution on legislation that affects our constituents. Take, for example, the Enterprise Bill, in which, for some unusual reason, a significant clause on apprenticeships was designated as being exclusively English.

Chris Grayling: Were you deprived of the right to vote on that clause?

Q70 Lady Hermon: I was not deprived of the right to vote on that clause; however, my vote was then discounted because the clause was certified. I go through the Division Lobby, I see my name come up on the screen, and then the Speaker reads out the first count and then the English-only votes. My difficulty with that—

Chris Grayling: That clause was passed by a majority of the United Kingdom Parliament, of which you are part.

Q71 Lady Hermon: Yes, but what assessment have you actually made? That is the point. You have a majority Government, and you have a larger majority because of the additional Sinn Féin votes on your side. In practice, when has EVEL actually been necessary since it has been introduced? When did you actually need it to win a vote?

Chris Grayling: Well, I explained to Mr Paisley earlier that I think it is better to bed this system in at a time when it does not need to be used in anger, so that it can become a part of the workings of this House. There are many circumstances in which it would be right

and proper for it to be used, and where, in theoretical future circumstances, it will be possible for English Members of Parliament to say no to something they do not want imposed. We have seen a couple of examples the other way of issues that English Members of Parliament could not address, and were not able to legislate on and exclude.

If you want evidence of the commitment to the Union, we have accepted a situation under these proposals where it is possible for two measures that carry the support of a majority of English Members of Parliament to not go forward because they could not carry a vote of the United Kingdom Parliament. That would suggest to me that, actually, we are being pretty responsible as regards the Union. Equally, a circumstance that was widely predicted by some at the last general election, but did not happen, could theoretically happen at some point in future. Where English MPs are not in favour of a change being introduced by the United Kingdom Parliament, these measures give them the right to say no. It is about the ability to say to those of our constituents who are anxious or sceptical about the Union—they sometimes say, “They can go”—that, actually, we have responded to their concerns and given them a stake in the devolution settlement. As a Unionist, Lady Hermon, I cannot believe you would want to allow resentment against the Union to build up in England.

Q72 Lady Hermon: I certainly don’t. I do agree with that. With the greatest respect, I just don’t agree that this is the right procedure.

Chris Grayling: That’s democracy.

Q73 Chair: It has come about because of devolution. There seems to be a desire to give more and more powers to, for example, the Scottish Parliament. Where is the evidence that people in Scotland want that? There was a vote on independence and it was rejected. Who took the evidence from Scotland that they actually do want more powers? You could extend that to Greater Manchester. You say there is not going to be an assembly there, but there is going to be a very powerful person there. Where is the evidence that people in Greater Manchester want that kind of power to be given to one person? Who in Government is assessing that?

Chris Grayling: Well, the northern powerhouse was in our manifesto last year. The Chancellor and the Communities Secretary have been driving the devolution changes that were included in the manifesto. This has been a clear part of our plan for a while.

Q74 Chair: It might be, but again, as members of the same party, who in our party is testing the waters? Who is speaking to people to see whether they want one person in Greater Manchester to have so much power?

Chris Grayling: Well, of course, that is a very different question on a different subject area, Mr Robinson. The answer is that it is a matter for the Prime Minister, the Chancellor and the Cabinet. The answer on who is driving it forward is the Chancellor and the Communities Secretary.

Q75 Gavin Robinson: There was an exchange about the certification process and the possibility of the Speaker giving reasons for the certification. If, at this moment in time, the Government seek certification and outline the reasons for it, and the Speaker decides and doesn't outline the reasons one way or t'other, what mechanism is there to oppose the reasons for certification for an MP who does not believe they are appropriate?

Chris Grayling: There isn't; the Speaker's word is final. It has always been final in this House. Opposing the certification decision by the Speaker is not something you can do.

Q76 Gavin Robinson: I don't mean that. I mean before the Speaker makes his adjudication, does he get the opportunity to consider a counter-argument or counter-request—reasons why certification would be inappropriate—from somebody motivated to do so?

Chris Grayling: That is very much a matter for the Speaker. I would not seek to say to the Speaker, "You cannot do something." It is a matter for him.

Q77 Gavin Robinson: Maybe this is something that should be considered as part of the review. Procedurally, is there a mechanism for somebody who does not believe in certification to have advance notice that Government are seeking it, and to submit their rationale as to why it would be inappropriate, so that the Speaker has both views to consider? Her Majesty's loyal Opposition are not invited to give reasons why certification would be inappropriate prior to the decision.

Chris Grayling: If the Speaker chooses to ask for other opinions, he can.

Q78 Gavin Robinson: Is that something you might consider introducing?

Chris Grayling: It is not for me to consider. It is something that the Speaker is free to decide, if that is how he wants to do it. That is maybe a question on which you would want to make representations to the Speaker, if that is what you want to do.

Q79 Gavin Robinson: I do not mean to be confrontational, but it is your procedure; it is your amendment to Standing Orders. It was not the Speaker's.

Chris Grayling: No, that is true, but my point was about how the Speaker works. We set out a procedure for Standing Orders. We will submit from Government Departments a Bill, and the view from the Government about the Bill. That has always been the case. The Government have always set out the territorial extent of Bills, but actually to say to the Speaker, "We will put in Standing Orders how you consider something" would be a precedent I would not wish to set.

Q80 Gavin Robinson: If representations were made to the Speaker to suggest that there would be merit in the Speaker having counter-arguments, should those be made—

Chris Grayling: That is a matter for the Speaker, not Standing Orders. You would not seek to write the Speaker's modus operandi into Standing Orders.

Q81 Gavin Robinson: Chair, I think I am making what seems to be an easily understandable point. Would you support the introduction of a mechanism so that the Speaker could hear reasons for and against certification?

Chris Grayling: I would not express a view one way or the other. I think it is a matter for the Speaker, I'm afraid.

Q82 Gavin Robinson: This seems totally bizarre. I honestly do not believe I am presenting you with anything difficult. I do not understand the reluctance and reticence to engage with this.

Chris Grayling: I do not think it is a matter for any individual Member of the House, or indeed for the Government, to say to the Speaker, "This is how we think you should operate in this circumstance." I certainly do not think we should write that into Standing Orders. I would leave it entirely to the Speaker to judge how he wants to do it.

Gavin Robinson: I'm sorry, Chair, I thought that was going to be a simple question.

Chair: The view has been aired. Sylvia, a final question.

Q83 Lady Hermon: EVEL has been introduced by the mechanism of changing Standing Orders. Is it the intention of this Government, whom you represent as Leader of the House, to put it on a legislative footing?

Chris Grayling: If there is a demand, when it comes to the review, to put this on a legislative footing, it is something that we will consider. It is not our current intention.

Q84 Lady Hermon: I am not demanding it; I am in the opposite camp, to be clear.

Chris Grayling: I would have guessed that. The manifesto said that we would do this through Standing Orders, and that is what we have done. If we are subject to pressure from within Parliament to turn this into legislation, we would consider that as part of the review process, but I have no current intention of doing so.

Q85 Lady Hermon: You have no intention of doing so, so it will not be put on the legislative—

Chris Grayling: It is not my plan to legislate. My plan is to have a broad-based review to say, "We have seen this for a year. What should we do now?"

Q86 Lady Hermon: Do you have an open mind about that broad-based review? That has not come across.

Chris Grayling: The only bit I do not have an open mind about is this: we are not going to get rid of English votes for English laws. I am very open to it otherwise.

Lady Hermon: That has been very clear. I find that very depressing, quite frankly, but thank you.

Chair: Leader of the House, this has been a very interesting session. I hope it has been useful to you as well. Thank you very much for joining us.