

Title:
Constitution logo paths
Creator:

**Unfinished Business
Implementing Labour's constitutional
reform agenda for the second term**

by Robert Hazell

**Professor of Government and the Constitution
Director of The Constitution Unit
University College London**

May 2001

Unfinished Business

Implementing Labour’s constitutional reform agenda for the second term

SUMMARY OF KEY POINTS	4
INTRODUCTION	5
PART 1: LABOUR’S KNOWN COMMITMENTS FOR THE SECOND TERM.....	6
1.1 THE REFERENDUM ON THE EURO	6
<i>Timing: ‘early in the next Parliament’</i>	<i>7</i>
<i>Legislation.....</i>	<i>9</i>
<i>Timing considerations</i>	<i>9</i>
<i>Table 1: Three possible timetables for the Euro referendum.....</i>	<i>11</i>
1.2 LORDS REFORM STAGE TWO.....	13
<i>The story so far.....</i>	<i>13</i>
<i>The policy commitment.....</i>	<i>14</i>
<i>Timing considerations for stage two</i>	<i>15</i>
<i>Table 2: Timetable for Lords reform stage two.....</i>	<i>18</i>
1.3 REGIONAL ASSEMBLIES IN ENGLAND	19
<i>The story so far.....</i>	<i>19</i>
<i>The new policy commitment</i>	<i>19</i>
<i>Timing considerations for introducing regional government in England.....</i>	<i>20</i>
<i>Table 3: Three possible timetables for introduction of regional assemblies.....</i>	<i>23</i>
1.4 REFERENDUM ON THE VOTING SYSTEM.....	26
<i>The story so far.....</i>	<i>26</i>
<i>The new policy commitment</i>	<i>27</i>
<i>Timing considerations</i>	<i>27</i>
<i>Table 4: Possible timetable for changing the voting system</i>	<i>29</i>
PART 2: OTHER COMMITMENTS WHICH ARISE	29-29-29-29-29-29-29-29-29-29-29

PART 3: COMPOSITE TIMETABLE FOR LABOUR’S SECOND TERM CONSTITUTIONAL REFORMS	41
<i>Table 5 : Great Britain electoral cycle, 2001-2010</i>	<i>43</i>
<i>Table 6 Composite timetable for Labour’s constitutional reforms 2001-2009</i>	<i>44</i>
INTERACTION AND POTENTIAL CONFLICT BETWEEN THE INDIVIDUAL REFORMS	47
<i>The legislative programme for Labour’s second term.....</i>	<i>48</i>

Introduction

Labour's constitutional reform programme was the major achievement of their first term. Many Labour supporters think that constitutional reform is now behind them, and that it is time to move on to the 'bread and butter' issues of jobs, the health service, education. But the constitutional reform programme is not yet complete. Although not on the same scale as in the first term, Labour still has commitments to constitutional reforms in the second term; and the reform process already set in train will create demands for further reforms.

The purpose of this briefing is not to advocate further reforms. It is intended simply as a forecasting exercise, and a planning tool. It takes as its starting point Labour's known commitments, finalised at the National Policy Forum in Exeter in July 2000 and the party

Part 1: Labour's known commitments for the second term

1.1 The referendum on the Euro

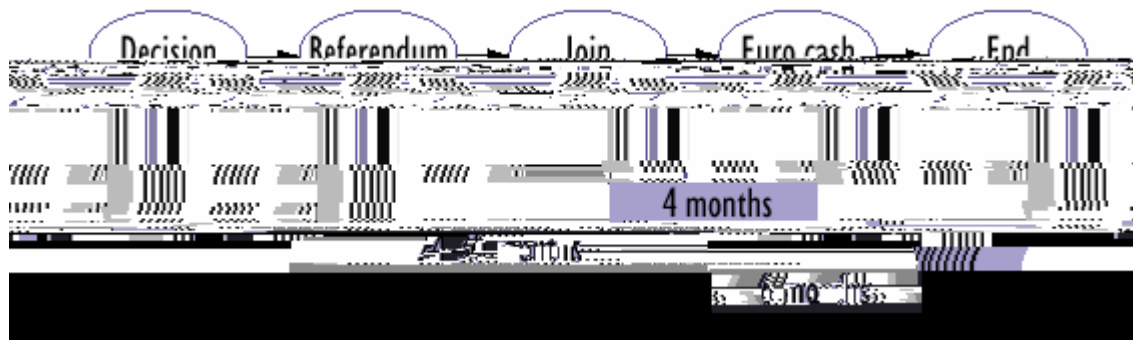
This is not always thought of as a constitutional reform. But it will have very big constitutional implications: bigger than most of the other changes considered in this briefing. It would involve a further transfer of sovereignty to the European institutions (in

- Would joining EMU create better conditions for firms making long-term decisions to invest in the United Kingdom?
- How would adopting the single currency affect our financial services?
- Are business cycles and economic structures compatible so that we and others in Europe could live comfortably with Euro interest rates on a permanent basis?
- If problems do emerge, is there sufficient flexibility to deal with them?
- Will joining EMU help to promote higher growth, stability and a lasting increase in jobs?

Timing: ‘early in the next Parliament’

The government has long said that assessment of the five tests would take place ‘early in the next Parliament’. In February 2001 Tony Blair specified that “early in the next Parliament would, of course, be within two years”. Downing Street spokesmen said the Prime Minister was not predicting a referendum within two years, only the completion of the economic assessment.²

The overall timetable outlined in the National Changeover Plan is as follows:



On the assumption that the UK was to join, the entry pattern for the UK would follow broadly the entry pattern for the first wave. There would be a transition period between the date of entry and the introduction of euro notes and coins. The Government’s Outline National Changeover Plan forecasts an interval of 24 to 30 months between a positive referendum result and the introduction of UK Euro notes and coins.

The offi

required before full entry into EMU can be achieved. The Treasury disagree with this strict interpretation, saying this particular Maastricht criterion is redundant, since the ERM it was

Legislation

In Chapter 7 of the first Outline National Changeover Plan, the Treasury pinpointed the following areas where legislation may be needed:

- Legislation associated with the notification to the Council of Ministers of the intention to join the single currency, and referendum legislation;
- Reforms to the Bank of England and also to government finances;
- Introduction of Euro notes and coins;
- Euro-isation – ensuring that references to amounts in sterling are converted satisfactorily. Changeover-related legislation from the DTI;
- International treaty obligations; legislation required in the territories and dependencies.

Timing considerations

The earlier stages up to holding the referendum could be completed in 6 to 12 months. The enabling legislation could be passed in a couple of months: the Referendums (Scotland and Wales) Bill passed through Parliament in 10 weeks in summer 1997, the first Act of Parliament under the new government. But the Euro referendum bill would be more controversial; and the new Electoral Commission will need to be consulted about the wording of the question. The Commission has indicated that it will take a broad view of its new powers, and rule on the fairness as well as the intelligibility of the question.³

The Electoral Commission will also be involved in supervising the conduct of the referendum, in enforcing the new limits on campaign expenditure, and it can make grants to the two main campaigning organisations. It may need time to prepare itself for this new and high profile role. Other timing considerations are whether the Chancellor needs to demonstrate more than once that the five tests have been met (it has been suggested twice, with a six month interval); and the assurances Blair is said to have given to the editors of Eurosceptic newspapers that he will not bounce the electorate into a referendum within months of the election.⁴ For this reason we have not included a really fast track option, with the referendum being held in

back, so a change of government at the 2005-6 election would find it very difficult to reverse the process. But the Government might not want to go into the election with the pound still in circulation, but doomed shortly to disappear. In the last column in Table 1 below that is the scenario: Euro notes and coins are not introduced until after the first likely date for the 2005-6 election.

June			Referendum held
July	Changeover legislation gets Royal Assent		
August			
September			
October		Changeover legislation gets Royal Assent	
November			Introduce changeover legislation
2004			
January	Euro notes and coins introduced into UK		
June			
October			Changeover legislation passed
2005			
January		Euro notes and coins introduced into UK	
May	First likely date for next general election	First likely date for next general election	First likely date for next general election
2006			
January			Euro notes and coins introduced into UK
May	Last likely date for next general election	Last likely date for next general election	Last likely date for next general election

The Treasury's National Changeover Plan allows 24-30 months for the implementation phase, between the date of the referendum and the subsequent introduction of Euro notes and coins. The three timelines above allow 24, 27 and 30 months respectively for this phase (June 2002-June 2004 on the fast timetable; October 2002-January 2005 on the medium timetable; and June 2003-January 2006 on the slow one).

Of the three timelines the medium appears the most likely, with the referendum being held in autumn 2002. The fast track would look like a bit of a 'bounce', with the Chancellor announcing the timetable and applying the five tests within a month of the election. And on the slow track entry would not be completed within the life of the next Parliament. But the most important consideration by far will be the government's judgment of when it thinks it can win the referendum. This points to waiting until after summer 2002, when several million Britons will have seen Euro notes and coins circulating in Euroland during their summer holidays. And it will require a concerted and sustained campaign which stresses the political case for membership as much as the economic benefits. The evidence from Denmark suggests that a brief campaign which is limited to the economic case (which is all the Danish government did) could lead the government to lose. If the government decides to go for entry it must go all out: it cannot sit and wait for the opinion polls to come round.

in January 2000. Wakeham recommended a largely nominated second chamber, but with a

Labour Party conference in September 2000 approved the following, as part of the policy statement on Democracy and Citizenship:

joint committee is set up; or it may choose to establish the committee after the election and allow it to run the consultation. But the minor parties are unlikely to be represented on the parliamentary committee. Other bodies with whom the government might need to consult are:

- the Appointments Commission (which will be put on a statutory basis, or merged into a new statutory Appointments Commission on the Wakeham model)
-

lost in November when the Lords refused to accept closed lists, but immediately re-introduced by the government in December. The bill was then forced through under the Parliament Acts in January, just in time for the elections to go ahead using the new voting system in June 1999. However, this relied on a degree of co-operation from the House of Lords in the second session, by the unusual tactic of blocking the bill at Second Reading; if opposition peers had wanted to delay matters further they could have done.

On the slow timetable there is more time for consultation in the first year of the new government, and for a second stage of consultation (Lord Falconer's 'national debate') by publishing the bill in draft before introducing it in the third session. Legislation in the third session means missing the deadline of the next European Parliamentary elections in June 2004. The legislation could provide for the first elections to be held in May 2005, to coincide with the local government elections (and possibly the next general election); but thereafter to be held at five-yearly intervals, and so run in tandem with the European Parliament elections from June 2009.

It would appear that there are potential difficulties with each of these scenarios, but amongst them the medium or the slow track option seems the most probable.

Table 2: Timetable for Lords reform stage two

Fast track

Medium

Slow

1.3 Regional assemblies in England

The story so far

The 1997 manifesto contained two policy strands: to

establish Regional Development Agencies to co-ordinate regional economic development, help small business and encourage inward investment

and

the establishment of regional chambers to co-ordinate transport, planning, economic development, and bids for European funding and land use planning.

Demand for directly elected regional government so varies across England that it would be wrong to impose a uniform system. In time we will introduce legislation to allow the people, region by region, to decide in a referendum whether they want directly elected regional government. Only where clear popular consent is established will arrangements be made for elected regional assemblies.

In government Labour has delivered on the first but not on the second. The Regional Development Agencies Act 1998 was passed in the first session, and the eight new RDAs went live in April 1999. But they were not made accountable to Regional Chambers, which are voluntary, non-statutory bodies, with no resources from central government and a consultative role only. On the second part of Labour's regional policy John Prescott received no support from his Cabinet colleagues to move towards elected regional assemblies, and no further progress was made on this during the first term.

The new policy commitment

The policy statement on Environment, Transport and the Regions approved by Labour party conference in September 2000 goes back to the 1997 manifesto:

The Labour Party 1997 election manifesto recognised that demand for elected regional government varies and said that only where clear popular consent is established will arrangements be made for directly elected regional assemblies.

It then restates the commitment to regional assemblies, and proposes a way forward:

Labour intends, as soon as practicable, to move to directly elected regional government where and when there is a clear demand for it. The way forward will include proposals to:

- request that the existing regional assemblies and chambers, working closely with the regional partners, develop detailed proposals for elected assemblies in their respective regions;
- publish a Green or White Paper on regional governance.

The policy acknowledges the concerns voiced by the opponents of regional government:

•

- Local government. This would have functional linkages, since regional and local government will have overlapping responsibilities in economic development, land use planning, waste management etc. But these linkages would be lost on most of the electorate. The other disadvantage of local government is that only between 45 per cent

Table 3: Three possible timetables for introduction of regional assemblies

2001	Fast track	Medium	Slow
June	General election	General election	General election
July	Govt publishes Green Paper		
October	End of consultation period	Govt publishes Green Paper	Govt publishes Green Paper
2002			
January		End of consultation period	End of consultation period
March	Govt publishes White Paper		
April	Regional Chambers develop proposals for regional assemblies		
June		Govt publishes White Paper. Regional Chambers start developing proposals	Govt publishes White Paper
November	Govt introduces bill defining powers and functions of regional assemblies; and authorising referendums	Referendums (Regional Assemblies) Bill introduced	Regional Chambers (statutory powers) bill introduced
2003			
spring/ summer	Regional Chambers continue planning, prepare for referendum	Referendums Bill passed	
July	Royal Assent for Regional Assemblies Bill		Regional Chambers (statutory powers) bill passed
September	Referendums held in vanguard regions	Referendums held in vanguard regions	
November		Regional Assemblies (Powers and Functions) Bill introduced	
2004			
April			Regional Chambers assume their statutory powers
May	First elections held in regions which voted Yes (if linked to local govt electoral cycle)		
June	First elections held in regions which voted Yes (if linked to Eur Parlt election cycle)		
July	First regional assemblies take up their powers	Royal Assent for Regional Assemblies Bill	

2005			
May	First likely date for next general election	First elections in regions which voted Yes (if linked to local govt electoral cycle)	
July		First regional assemblies take up their powers	
2006			
May	Last likely date for next general election		

The new policy commitment

The policy statement approved by party conference in September 2000 on Democracy and Citizenship acknowledges the 1997 commitment to hold a referendum on the voting system, but falls short of repeating that commitment. It states that :

Whilst remaining committed to the holding of a referendum before any change to the House of Commons electoral system is introduced, Labour will allow the changes for elections to the European and Scottish Parliament and for the Welsh and London assemblies to become familiar and allow time for all their consequences to be felt before deciding on any further proposals for electoral reform.

Consultation within the Labour Party about the Jenkins report had disclosed serious concerns about the acceptability of AV-plus. For a time it seemed that Labour might propose the Alternative Vote instead, either as a stepping stone towards AV-plus, or as an alternative in its own right. But in February 2001 newspapers were briefed that Tony Blair would drop the pledge to hold a referendum on electoral reform from the manifesto.¹⁵ It would be risible, it was said, to repeat the pledge to hold a referendum when Labour had failed to carry it out in this Parliament. There was virtually no support in Cabinet, and many in the party remained hostile to the change.

Timing considerations

What follows may therefore be hypothetical. The timetable is not so tight as in the first term, because the first two steps have been achieved. An independent commission has reported and offered an alternative voting system. And an Electoral Commission has been established, which can help with voter education, supervise the referendum, and in time will take over the functions of the Parliamentary Boundary Commissions. This last factor is potentially important because the slowness of boundary reviews has been a major constraint in implementing a change in the voting system in the life of a single Parliament. But present plans are for the Electoral Commission not to take over the Parliamentary Boundary Commissions until after 2005/2006, when they are expected to have completed the current review of parliamentary boundaries, on which they have just embarked. This means that speedier boundary reviews will only be possible from 2006 onwards.

The timescale for introducing a new electoral system for the Commons was put by the Jenkins Commission at eight years.¹⁶ The Constitution Unit has previously estimated the timescale at four to six years.¹⁷ The issues that need to be dealt with during this period are, in chronological order:

¹⁵ Steve Richards, *Independent on Sunday*, 4 February 2001.

¹⁶ Report of the Independent Commission on the Voting System, Cm 4090-I, October 1998, para 153.

¹⁷ Constitution Unit, *Changing the Electoral System*, March 1997.

- legislation for the referendum
- public education on the issues, for at least 2-3 months
- holding the referendum
- legislation to introduce the new electoral system, if the vote is for change
- redrawing of constituency boundaries
- selecting party candidates for the new constituencies.

There is little doubt that the eight year period identified by the Jenkins Commission could be reduced substantially, largely by a more rapid boundary redrawing exercise. The last Parliamentary Boundary review took four years, and the one before that took seven. The key issues determining the length of the exercise are: the geography of the new boundaries (which will depend on the electoral system being used), the degree of public consultation deemed necessary and the resources committed to the exercise. If the government wanted a speedy review, it could streamline the procedure and commit far greater resources to the exercise.¹⁸ The new Electoral Commission could probably shorten the process to around two years, but it would be unwise to assume that it could be squeezed

Table 4: Possible timetable for changing the voting system

2001	Fast track: referendum in 2002	Gradual: introduce AV for 2005/06 election, AV+ for election in 2009/10	Slow: review experience of PR elections before holding referendum
January	Electoral Commission established		
June	General election		
October	Bill introduced to authorise the referendum		
2002			
February	Royal Assent. Electoral Commission starts voter education, funds campaigning groups	Govt publishes White Paper explaining plans and timetable for two stage voting reform	
May	Referendum held (to coincide with local govt elections)	Referendum bill introduced	
June	Bill introduced to change voting system and redraw parly boundaries		
November	Bill carried over to second session	Royal Assent for referendum bill	
2003			
January	Royal Assent	Electoral Commission starts voter education, funds campaigning groups	
February	Boundary reviews commence. To be completed in two years		Review established into voter attitudes to Sc, Welsh, London and Eur Parlt elections
May		Referendum held (to coincide with local govt elections in England, Scottish Parlt and Welsh Assembly elections)	Scottish Parlt and Welsh Assembly elections
November		Bill introduced to authorise two stage change to voting system	Interim report of review on voter attitudes to PR
2004			
January			Bill introduced to authorise referendum on voting reform
May			London elections
June			European Parlt elections
July		Royal Assent to two stage legislation	Royal Assent for voting reform referendum bill
September			Final report of review on voter attitudes to PR
2005			

If the referendum is not held in the first year of the new parliament, there is little prospect of introducing a proportional voting system in time for the next general election. But there are several ways in which the government could keep the policy in play. One possibility, advocated by some in the Labour Party, is to go for a two stage implementation of the Jenkins voting system. This would introduce the Alternative Vote (AV) before the 2005/06 election, and AV-plus for the election after that, in 2009/10. AV on its own requires no boundary changes, and once the legislation has been passed it could be implemented swiftly. But it still requires relatively swift action in the next parliament (see below). Nor is AV a proportional voting system: indeed it can yield more disproportional results than first past the post.

To overcome suspicions that AV was being introduced simply to advantage the Labour Party and that the second stage might not happen, the referendum question would need to seek endorsement for AV-plus, but explain to voters that the change would be implemented in two stages. A variant on this is a two question referendum being floated by Martin Linton MP in which voters would be asked:

- whether they want a preferential system in which they can rank candidates (AV)
- whether they want a limited top up of list candidates to provide greater proportionality (the 'plus' in AV-plus).

Even though it is presented as a two-stage and gradualist approach, the introduction of AV as the first stage would still require early action in the next parliament. Labour is committed to holding a referendum before making any change to the voting system for the House of Commons. This would include changing to AV. Holding the referendum requires legislation. The referendum would need to be held in time to legislate to change the voting system before the next general election in 2005/6. A possible timetable is shown in the middle column in Table 4. The referendum bill is introduced in the first session; the referendum is held half way through the parliament, in May 2003, and legislation to change

the voting system is introduced in the third session, in time for the first likely date for the next election in May 2005. To start the process would require early action by the new Home Secretary, with a White Paper in the first year of the new government and a referendum bill in the first session.

A second possibility if the government wants to play things long is to stress the need for the new electoral systems in Scotland, Wales, London and the European Parliament to become familiar, in the words of the policy statement approved at the 2000 Labour Party conference, and to say that the government wants to evaluate the new electoral systems through one more cycle.¹⁹ The next round of PR elections will take place in 2003 (Scotland and Wales)

¹⁹ The lessons from the first round of PR elections are summarised in the Constitution Unit's briefing, What we already Know: The Lessons for Voting Reform from Britain's first PR elections, May 2001.

Part 2: Other commitments which arise in the second term

Commons, which is looking into the adequacy of the arrangements in Whitehall and Westminster for making primary legislation for Wales.

The second of Rhodri Morgan's reviews is a more long term exercise, promised in the October 2000 Partnership Agreement with the Liberal Democrats, to establish an independent commission to enquire into the adequacy of the settlement granted to Wales. As currently envisaged, the second review would not start until the Assembly's second term, in 2003, and would report back towards the end of the second term of a Labour government at Westminster. So it might be an agenda item for a third term. But if the frustration in Wales bubbles over, or if the Select Committee condemns the current arrangements for legislation affecting Wales, the second review could be brought forward. Whenever it reports, Labour will need to take the review's findings seriously: Whitehall is finding the Welsh settlement as unsatisfactory as are the leaders in Wales.

Devolution in Scotland: reduction in size of Scottish Parliament

The Scottish Parliament has 129 members: 73 constituency members, and 56 additional members to provide proportionality. In recognition of Scotland's over-representation at Westminster, the Scotland Act 1998 provides (s86) for the number of Scottish MPs at Westminster to be revised in line with the electoral quota for England at the time of the next Parliamentary Boundary Commission review. The next review is due to be completed between 2002 and 2006. It will mean a reduction in the number of Scottish MPs at Westminster from 72 to around 60 MPs. (Strict parity would require 57 Scottish MPs, but special geographical factors will probably allow 60 or 61).

Schedule 1 to the Scotland Act provides for a parallel reduction of some 12 to 15 constituency MSPs in the Scottish Parliament, because it shares the same constituency boundaries as Westminster; and for a corresponding reduction in the number of additional members, to maintain the ratio between constituency and additional members. This means that the Scottish Parliament will have 129 members for its first two terms, elected in 1999 and 2003; but for its third term in 2007 it is scheduled to go down to less than 110 members.

Given the workload already experienced by the members of the Scottish Parliament and its committees this will not pass without protest. But only Westminster could pass the amending legislation to break the link between Westminster and Scottish Parliament constituencies. To be done in time to affect the work of the Scottish Boundary Commission, the legislation would need to be passed early in the new parliament. The Scottish Boundary Commission is due to start work in summer 2001, with draft proposals published by end 2001, and final decisions in summer 2002. The Commission's boundary reviews will force the issue out into the open. A dozen Scottish MPs will find their seats have disappeared, and two dozen MSPs face removal from the Scottish Parliament.

If the Scottish Parliament is to remain at its present size, the Boundary Commission will need authority to do two separate exercises: to reduce Westminster representation in line with the English quota, while retaining 73 constituency seats for the Scottish Parliament, but revising their boundaries in line with population changes. The two exercises need not necessarily be done at the same time; but given the Commission's understandable desire to use contiguous boundaries and common building blocks wherever possible, it would make sense if it were able to do so. At the very least the Commission should know whether the government still intends that the Scottish Parliament should shrink in proportion to the reduction in Scottish representation at Westminster. The government should make its intentions clear now (ie in 2001-2, while the Scottish Boundary Commission does the current

Immediately after that will be the second round of elections to the Northern Ireland Assembly, which fall due in June 2002.

European Parliament elections: new electoral system

After the very low turnout in the 1999 European Parliament elections, Labour's National Executive Committee was reported to be considering a review of the closed list regional list electoral system.²⁰ Nothing further has been done about this. If the idea of a review is revived after the election, the issue could be referred to the Electoral Commission.

PR for local government in Scotland and Wales

Scotland is inching closer to changing the voting system for local government. The McIntosh Commission (1999) recommended a change of voting system to PR. The Kerley Committee confirmed McIntosh's first choice of STV, with wards of between two and five members. The Scottish Executive has announced its intention of moving local authority elections back a year to May 2003, to coincide with the Scottish Parliament elections. The aim is to change the law on the voting system by the time of the 2003 elections, but not necessarily in time for those elections to take place under STV.

The Welsh Local Government Association has recommended the same change, but this would require legislation at Westminster. The power to make changes to the electoral cycle for local government elections in Wales now rests with the National Assembly (s106 of Local Government Act 2000).

Local government and elected Mayors

Under the Local Government Act 2000 local authorities must draw up proposals for new executive arrangements: a cabinet with a council leader, elected mayor with a cabinet, or elected mayor with council manager. The elected mayor option must be put to local referendum. No dates have yet been laid down for these referendums, which must take place in May or October. Few local authorities so far have taken the directly elected mayor option: they are Berwick-on-Tweed, Brighton and Hove and Lewisham. Second wave candidates include Birmingham, Bristol, Newcastle, Thurrock, Middlesbrough and Watford.

²⁰ The Guardian, 28 July 1999.

Political parties and candidate selection: Legal change to promote women's representation

The story so far

This was not an issue addressed by the Labour Party in its 1997 manifesto, but it has risen to prominence since. Labour used all women shortlists in half its winnable seats for the 1997 election, and succeeded in doubling the number of women in the House of Commons, from 60 to 120. However, the use of this mechanism was ended after it was found to be unlawful by an Industrial Tribunal in 1996. Although Labour, the Liberal Democrats and Plaid Cymru used various 'positive action' systems to ensure high levels of women's representation in the Scottish Parliament and National Assembly for Wales, and improvements in the European Parliament, there have been threats of legal action against these systems. None of the parties has adopted an effective mechanism to improve women's representation in the House of Commons, and the number of women MPs is set to go down at the next general election, for the first time since 1979.

It is understood that the government have set up a Home Office taskforce to look at this matter.

Timing considerations

If government introduces legal change, its first focus will be on selections for the next general election. Legislation would need to be passed in order to allow selection procedures to be agreed by the parties and then put into action. However, the government is also under pressure from women in Scotland and Wales, who fear that positive action mechanisms may be needed for the next Assembly and Parliament elections in 2003.

Under the slow track, the bill is not tabled in the first session, but at the start of the second. This allows greater time for policy development, and allows the measure to be rolled up in a wider equality bill if this proves convenient. However, the opportunity to affect the selections to the Scottish Parliament and Welsh Assembly is lost. Instead, if the bill is passed before the summer recess of 2003 this allows the UK parties to build its impact into their selection procedures for the general election.

Which of these scenarios is followed is difficult to say. The second is more comfortable, but has obvious disadvantages. The first however depends on the Home Office taskforce coming up with proposals very soon, and government being prepared to give up space in the first session in order to meet the demands of Scottish and Welsh colleagues. What is clear is that any slower timetable than those shown will miss the opportunity to affect the outcome of a 2005 election.

Parliamentary reform

Labour's 2000 policy statement on Democracy and Citizenship has a section on House of Commons modernisation, but it simply lists the achievements of the first term: better timetabling, publication of more draft bills, the parallel chamber in Westminster Hall. It also recorded as an achievement something which had not then happened:

A House of Commons Standing Committee on Regional Affairs has also been set which provides a forum for debates for MPs representing English constituencies and extends executive scrutiny through providing the opportunity for statements by and questions to ministers.

The new Standing Committee on Regional Affairs was eventually brought into being in March 2001.

For the future, Labour has no specific proposals for further reform. The policy statement fades into generalities:

Labour believes that the whole question of modernisation and its procedures is central to the modernisation of government and in the next parliament will continue to take forward this agenda. These matters for parliament, seeking outside views, are for parliament, rather than government, to decide. Labour will continue to work to seek constructive consensus on modernising the way in which the House of Commons and its members conduct their business.

The familiar phrase that these are matters for parliament, not government, masks a lack of commitment.²² There is no shortage of ideas; but none espoused by Labour.²³ Whether the

²² For a debunking of this fiction see Andrew Kennon, *The Commons: Reform or Modernisation*, Constitution Unit, January 2001.

If the Scottish Parliament is not to be reduced in size by 20 or more MSPs, Westminster must legislate to break the link by 2004-05 (see pp 35-36). The second reason for this column is to show a possible timetable for evolution of the devolution settlement in Wales, starting with the two reviews announced by Rhodri Morgan (see pp 34-35), which will report back during

Table 5 : Great Britain electoral cycle, 2001-2010 (shading indicates likely years of general elections)

Year	Welsh Assembly	Scottish Parliament	London boroughs	London Assembly	English mets ²	English counties	Districts (whole) ¹	Districts (part) ¹	English unitaries ²	European Parliament
2001						yes			yes	
2002			yes		yes			yes	yes	
2003	yes	yes			yes		yes	yes	yes	

Table 6 Composite timetable for Labour's constitutional reforms 2001-

Interaction and potential conflict between the individual reforms

This final section considers the feasibility of implementing a programme in the composite timetable set out in Table 6. We have chosen realistic timescales for the individual reforms (medium pace for the Euro and regional government, slow path for Lords reform and voting reform). Given political will, each reform on its own is achievable in that timescale. But are the reforms collectively achievable during Labour's second term? It is difficult amidst the detail of Table 6 to see where the pressure points lie. One way of testing for potential conflicts is to pull out the legislative programme; another is to look at the timetable for referendums; a third is to look once more at the electoral cycle.

The legislative programme for Labour's second term

Standing back from the detail of Table 6, the constitutional items in the legislative programme for the second term would be phased as follows:

First session 2001-2 (18 months)

- European Communities (Amendment) Bill, to implement Treaty of Nice
- Euro referendum bill, to authorise holding of referendum in 2002

Second session 2002-03

- EMU entry and Euro changeover bill
- Regional government (Referendums) bill, to authorise first referendums in late 2003
- Political Parties (Candidate Selection) bill, to boost women's representation

Third session 2003-04

- Lords reform stage two bill, to provide for first elections in 2005, second in 2009
- Regional Assemblies bill, defining powers and functions of first regional assemblies in England
- ? Voting reform (Referendum) Bill

Fourth session 2004-05

- ? Scottish Parliament (Decoupling from Westminster constituencies) bill, to prevent downsizing of Scottish Parliament.

There are no serious conflicts here, in terms of congestion or overload on a single department or set of Ministers. The policy lead is likely to lie with six departments: FCO (Treaty of Nice); Treasury (EMU); DETR (regional government); Home Office (voting reform); Leader of the Lords (Lords reform); Scottish Secretary (size of Scottish Parliament). The constitutional legislation is phased over the course of the parliament, with adequate

Joining up the constitutional reform programme

This briefing has taken Labour's remaining commitments to constitutional reform, and