



House of Commons  
Constitutional Affairs  
Committee

---

# Scrutiny of Constitutional Reform

---

**Second Special Report of  
Session 2006–07**

*Ordered by The House of Commons  
to be printed 10 July 2007*

**HC 907**  
Published on 23 July 2007  
by authority of the House of Commons  
London: The Stationery Office Limited  
£0.00

## The Constitutional Affairs Committee

The Constitutional Affairs Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Constitutional Affairs (on 9 May the Department was renamed the Ministry of Justice) and associated public bodies.

### Current membership

Rt Hon Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*) (Chairman)  
David Howarth MP (*Liberal Democrat, Cambridge*)  
Siân James MP (*Labour, Swansea East*)  
Jessica Morden MP (*Labour, Newport East*)  
Julie Morgan MP (*Labour, Cardiff North*)  
Robert Neill MP (*Conservative, Bromley and Chislehurst*)  
Mr Andrew Tyrie MP (*Conservative, Chichester*)  
Rt Hon Keith Vaz MP (*Labour, Leicester East*)  
Dr Alan Whitehead MP (*Labour, Southampton Test*)  
Jeremy Wright MP (*Conservative, Rugby and Kenilworth*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/conaffcom](http://www.parliament.uk/conaffcom)

### Committee staff

The current staff of the Committee are Roger Phillips (Clerk), Dr Rebecca Davies (Second Clerk), Kate Akester (Adviser (Sentencing Guidelines)) Maik Martin (Committee Legal Specialist), Ian Thomson (Committee Assistant), Jane Trew (Committee Assistant - EDRM), Chryssa Poupard (Secretary), Henry Ayi-Hyde (Senior Office Clerk) and Jessica Bridges-Palmer (Committee Media Officer).

### Contacts

Correspondence should be addressed to the Clerk of the Constitutional Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 8196 and the email address is [conaffcom@parliament.uk](mailto:conaffcom@parliament.uk)

Media enquiries can be addressed to Jessica Bridges-Palmer, Committee Media Officer, House of Commons, 7 Millbank, London SW1P 3JA. Telephone number 020 7219 0724 and email address [bridgespalmerj@parliament.uk](mailto:bridgespalmerj@parliament.uk)

# 1 The Governance of Britain

---

1. On the 3 July 2007 the Government published a Green Paper entitled '*The Governance of Britain*'.<sup>1</sup> In his statement to the House of Commons on the same day, the Prime Minister, Rt Hon Gordon Brown MP, introduced these proposals as addressing the need for a "new constitutional settlement that entrusts more power to Parliament and the British people".<sup>2</sup> While acknowledging that constitutional change "will not be the work of just one Bill or one year or one Parliament"<sup>3</sup> the Prime Minister presented what he described as a "route map" seeking to address the issues of holding power more accountable and enhancing the rights and responsibilities of the citizen.<sup>4</sup>

2. We welcome this wide ranging and comprehensive statement of the Government's proposals for constitutional reform and the Ministry of Justice's commitment to deliver this "encyclopaedia" of reforms<sup>5</sup> and the fact that it reflects a deliberative approach to constitutional reform. We have been critical of the lack of prior consultation on recent changes, such as relation to the creation of the Ministry of Justice and the reforms implemented by the Constitutional Reform Act 2005. Since its creation in 2003, the Constitutional Affairs Committee has contributed extensively to the continuing debate on constitutional reform in this country; not least in two recent major Reports on Party Funding and The Constitutional Role of the Attorney General<sup>6</sup> as well as the establishment of a new system for appointing judges, House of Lords reform, human rights legislation and its impact on Government policy-making, the creation of the new Supreme Court, the change in the role of Lord Chancellor and the introduction of freedom of information (a full list of the Committee's relevant Reports and evidence is attached at Annex A). The Committee will take responsibility for scrutiny of the overall process of constitutional reform.

3. We have already announced our inquiry into Devolution and its impact on the UK's constitution, which will also address some of the issues raised in this document. We will wish to consider the proposal of a written constitution and the broad constitutional issues such as direct democracy. We recognise the contribution of other Select Committees and of the House of Lords Constitution Committee and Joint Committees to the further development of many of the proposed reforms identified in the Green Paper. The Devil is in the detail in relation to many of these proposals. Select Committees are an ideal forum to explore complex issues. We look forward, in cooperation with colleagues on other Committees, to playing a full role in taking forward consideration of the proposed constitutional reforms.

---

<sup>1</sup> Ministry of Justice, *The Governance of Britain*, Cm 7170, July 2007

<sup>2</sup> HC Deb, 3 July 2007, col 815

<sup>3</sup> HC Deb, 3 July 2007, col 815

<sup>4</sup> HC Deb, 3 July 2007, col 815

<sup>5</sup> HC Deb, 3 July 2007, col 825

<sup>6</sup> Constitutional Affairs Committee, *Party Funding*, First Report of Session 2006-07, HC 163 and *Constitutional Role of the Attorney General*, Fifth Report of Session 2006-07, HC 306.

# Annex A: The work of the Constitutional Affairs Committee

---

## 2006-07

First Special Report: Party Funding- Oral evidence from the Lord Chancellor on the role of the Attorney General HC 222

First Report: Party Funding HC 163 I and II

Fourth Report: Freedom of Information: Government's proposals for reform HC 415

Fifth Report: Constitutional Role of the Attorney General HC 306

Evidence:

Judicial Appointments Commission HC 416-i and ii

House of Lords Reform and Party Funding HC 738-i

The new Ministry of Justice HC 266-i and ii

## 2005-06

Seventh Report: Freedom of Information-one year on HC 991

Evidence:

Human rights legislation and government policy-making Joint Session with Home Affairs Committee HC 1703-i and ii

The operation of the Judicial Appointments Commission HC 1554-i

Electoral Administration HC 640-i and ii

## 2004-05

First Report: Freedom of Information Act 2000-progress towards implementation HC 79-I and II

Third Report: Constitutional Reform Bill [*Lords*]: the Government's proposals HC 275-I and II

Sixth Report: Electoral Registration (Joint Report with ODPM Committee): Housing, Planning, Local Government and the Regions Committee) HC 243-I, II and III

**2003-04**

First Report: Judicial Appointments and a Supreme Court HC 48-I and II

Evidence:

The reform of the Office of Lord Chancellor: ecclesiastical patronage HC 300-i

The work of the Information Commissioner HC 593-i

**2002-03**

Second Report: Judicial Appointments: lessons from the Scottish experience HC 902

Evidence:

The role of the Lord Chancellor HC 584-i

The role of the Lord Chancellor and his Department HC 611-i

The office of Lord Chancellor and the establishment of a judicial appointments commission and a Supreme Court HC 1105-i

## Formal minutes

---

**Tuesday 10 July 2007**

Members present:

Mr Alan Beith, in the Chair

Mrs Siân James  
Keith Vaz

Dr Alan Whitehead

Draft Special Report (Scrutiny of Constitutional Reform), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Special Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 3 read and agreed to.

Annex agreed to.

*Resolved*, That the Special Report be the Second Special Report of the Committee to the House.

*Ordered*, That the Chairman do make the Special Report to the House.

[Adjourned till Tuesday 17 July at 4.00pm]