



## SELECT COMMITTEE ON THE CONSTITUTION

### The Union and Devolution

#### CALL FOR EVIDENCE

The House of Lords Constitution Committee, chaired by Lord Lang of Monkton, is conducting an inquiry on devolution in the United Kingdom.

The Committee invites interested organisations and individuals to submit written evidence to the inquiry.

The deadline for written evidence submissions is 5pm on Friday 2 October. Public hearings will be held from October 2015. The Committee will report to the House in 2016.

#### Background

Devolution has radically changed the way in which the United Kingdom is governed. It is now, in effect, a permanent feature of our constitution and marks the latest evolution of the structure of our country.

The UK is a 'union state' formed through the incorporation of Wales in 1536 and the Acts of Union between England and Scotland in 1707 and between Great Britain and Ireland in 1800. Since 1998 the process of devolving power from the centre to the regions and constituent nations of the UK has progressed apace. From the 1998 devolution Acts and the Good Friday Agreement to the current Scotland Bill and proposals for further devolution to Wales, extensive powers have been, and are still being, devolved to Scotland, Wales and Northern Ireland. While devolution has not been implemented wholesale in England, London has a directly-elected mayor and Assembly, and English local authorities are being offered considerable powers if they combine and adopt an elected-mayor model.

We are concerned that this devolution of powers has been the result of ad hoc, piecemeal change, rather than the result of a considered and coherent process that takes into account the needs of the Union as a whole. We warned in our March 2015 report, *Proposals for the devolution of further powers to Scotland*, that the lack of a coherent vision for the Union undermined the notion of an 'enduring' devolution settlement.<sup>1</sup> With Scotland voting in the 2014 referendum to remain part of the UK and little support elsewhere for ending the

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<sup>1</sup> See Constitution Committee, *Proposals for the devolution of further powers to Scotland* (10th Report, Session 2014-15, HL Paper 145), paras 22-24.



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Union,<sup>2</sup> now is the time to consider how to establish a more stable settlement that will preserve and strengthen the Union as a whole.

Our inquiry will focus on two key themes. First, we are seeking to identify and articulate the principles that should underlie the existence and governance of the Union and the exercise of power, both centrally and by the devolved nations. Secondly, we are considering what practical steps could be taken to stabilise and strengthen the Union in line with those underlying principles.

The Committee welcomes written submissions on any aspect of this topic, and particularly on the following questions:

## **Principles underlying the Union and devolution**

### *The Union*

1. What are the essential characteristics of a nation state? Are these different for a state in which power is devolved and, if so, how?
2. What are the key principles underlying the Union between England, Wales, Scotland and Northern Ireland? Are there principles that are unique to the UK's Union?

*Some of the areas from which principles for the Union might be drawn include the economic and social union; the constitution; individual rights and the rule of law; European policy and foreign policy; and security and defence.*

### *Devolution*

3. On what principles are the UK's devolution settlements based, or on what principles should they be based? Have principles emerged through the process of devolving power, or as power has been exercised by the devolved nations and regions?
4. Are there applicable examples from other countries with multi-level governance structures?

*Principles of devolution might include, for example, subsidiarity (that decisions should be made at the most local level practicable); reciprocity (a duty on all parts of the Union to work for the good of the whole); and representation.*

### *Implementation*

5. How might these two sets of principles be embedded in the UK's constitution, or entrenched in the work of governments and legislatures across the UK?

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<sup>2</sup> A 2013 Ipsos Mori poll found that 65% of Northern Irish voters supported Northern Ireland remaining in the UK. A 2015 survey by ICM research found that, given a range of options, 6% of respondents in Wales supported independence, compared with 40% supporting further powers for the National Assembly.



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## **Practical steps to strengthen the Union**

6. What is the effect on the Union of the asymmetry of the devolution settlement across the UK? What might be the impact of the further proposed devolution of powers to Scotland, Wales, Northern Ireland and English local government? Is the impact of asymmetry an issue that needs to be addressed? If so, how?
7. What might be the effect of devolving powers over taxation and welfare on the economic and social union within the UK? Are there measures that should be adopted to address the effects of the devolution of tax and welfare powers?
8. What other practical steps, both legislative and non-legislative, can be taken to stabilise or reinforce the Union? How should these be implemented?
9. Is the UK's current constitutional and legal structure able to provide a stable foundation for the devolution settlement? What changes might be necessary?

*Practical steps might include, for example, mechanisms to encourage legislatures and government to consider the good of the Union as a whole when developing policy; special arrangements for referendums of an existential nature; or measures to ensure thorough representation of all interested parties in policy-making at all levels of government in the UK.*



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## ANNEX: GUIDANCE FOR SUBMISSIONS

Written evidence must be submitted online via the committee's inquiry page [www.parliament.uk/union-and-devolution-written-submission-form](http://www.parliament.uk/union-and-devolution-written-submission-form). Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you cannot submit evidence online, please contact the committee staff.

The deadline for written evidence is 5pm on Friday 2 October.

Concise submissions are preferred. A submission longer than six pages should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is making the submission on an individual or a corporate basis. All submissions submitted online will be acknowledged automatically.

Personal contact details supplied to the committee will be removed from submissions before publication but will be retained by the committee staff for specific purposes relating to the committee's work, such as seeking additional information.

Submissions become the property of the committee which will decide whether to accept them as evidence. Evidence may be published by the committee at any stage. It will appear on the committee's website and be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the committee. If you publish your evidence separately you should be aware that you will be legally responsible for its content.

You should not comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the committee about the inquiry should be addressed through the clerk or the chairman of the committee, whether or not they are intended to constitute formal evidence to the committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy directly.

You may follow the progress of the inquiry at [www.parliament.uk/union-and-devolution](http://www.parliament.uk/union-and-devolution).

To contact the staff of the committee, please email [constitution@parliament.uk](mailto:constitution@parliament.uk).