Select Committee on the Constitution

The Constitution Committee is appointed by the House of Lords in each session with the following terms of reference:
To examine the constitutional implications of all public bills coming before the House; and to keep under review the operation of the constitution.

Current Membership

Viscount Bledisloe
Lord Goodlad
Lord Holme of Cheltenham (Chairman)
Lord Lyell of Markyate
Lord Morris of Aberavon
Baroness O’Cathain
Lord Peston
Baroness Quin
Lord Rowlands
Lord Smith of Clifton
Lord Windlesham
Lord Woolf

Declaration of Interests

A full list of Members’ interests can be found in the Register of Lords’ Interests: http://www.publications.parliament.uk/pa/id/ldreg/reg01.htm

Publications

The reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee are available on the internet at: http://www.parliament.uk/hlconstitution

Parliament Live

Live coverage of debates and public sessions of the Committee’s meetings are available at www.parliamentlive.tv

General Information

General Information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at: http://www.parliament.uk/parliamentary_committees/parliamentary_committees26.cfm

Contact Details

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The Governance of Britain

1. In July 2007, shortly after Gordon Brown MP became Prime Minister, the new Ministry of Justice published a Green Paper, _The Governance of Britain_, setting out a diverse range of proposals for constitutional reform. The foreword to the Green Paper by the Prime Minister and the new Secretary of State for Justice and Lord Chancellor, Jack Straw MP, expressed far-reaching ambitions for this new wave of constitutional change:

   “We want to forge a new relationship between government and citizen, and begin the journey towards a new constitutional settlement—a settlement that entrusts Parliament and the people with more power. The proposals published in this Green Paper seek to address two fundamental questions: how should we hold power accountable, and how should we uphold and enhance the rights and responsibilities of the citizen?”

2. The proposals, which were described as “the first step in a national conversation” rather than “a final blueprint”, covered the following areas.

   - **Limiting the powers of the executive** by moving certain royal prerogative powers to Parliament, reviewing the post of Attorney General, looking again at the way in which ecclesiastical, judicial and public appointments are made and reassessing ministers’ involvement in the honours system. (Chapter 1)

   - **Making the executive more accountable** through enhanced parliamentary scrutiny; boosting the profile of the regions within both government and Parliament; and reforming the operation of the Ministerial Code. (Chapter 2)

   - **Reinvigorating our democracy** through reform of Parliament (including House of Lords reform) and the electoral system, and improving direct democracy at both national and local level. (Chapter 3)

   - **Focusing on the citizen and the state** by carrying out a review of citizenship, developing a “British statement of values” and giving further consideration to a “British Bill of Rights and Duties” and/or a written constitution. (Chapter 4)

3. The Green Paper is cast in very general terms and some of these proposals clearly have profound constitutional implications which will require detailed consideration. In particular, the Government’s intentions with respect to the role of the Attorney General, the judicial appointments process in England and Wales, a “British statement of values”, a “British Bill of Rights and Duties” and a possible written constitution will require close scrutiny over the coming months and years if they are to be turned from aspirations into new pillars of the constitution.

4. There is, however, one proposal which we welcome unambiguously: to reform the royal prerogative so that the Government must seek the approval of the House of Commons for “significant, non-routine deployment of the Armed Forces into armed conflict”. We are particularly pleased that the

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1 _The Governance of Britain_, p 5.
Government seem minded to accept our specific recommendation\(^2\) that this reform should be brought about through the development of a parliamentary convention which might be formalised by a resolution in the House of Commons.\(^3\) However, we are concerned that the Green Paper does not refer to any role for the House of Lords. We shall keep this matter under close review as the Government’s intentions become clearer.

5. We also welcome the Government’s stated intention to consult widely on these proposals. In several of our reports in recent years we have lamented that significant constitutional change has been initiated by the Government without proper discussion or any attempt to seek consensus. So any useful consultation must include the other branches of government—Parliament and the judiciary. We welcome the publication of this Green Paper which stands in stark contrast to the mishandled announcement in 2003 of plans to reform the office of Lord Chancellor and to create a Supreme Court. We look forward to engaging in mature and measured consideration of the proposals in the spirit of openness that is promised by the Green Paper.

6. This Committee clearly has a central role to play in the development of these proposals. We shall keep under close review the nature of the consultation process. Each particular reform proposal will also require detailed analysis. In addition, we shall consider the broader themes of accountability and citizens’ rights and responsibilities that the Green Paper offers as an over-arching framework for this ambitious programme of change. As a first step, we shall invite Jack Straw MP, the new Lord Chancellor and Secretary of State for Justice who is overseeing the reforms, to appear before our Committee in the autumn to discuss these issues in more depth. Then we shall review any legislation put before Parliament as part of our normal scrutiny function. Finally, we shall take a view on any further action on the Government’s broader constitutional agenda that will be required on our part.

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\(^3\) *The Governance of Britain*, pp 18–19.