SELECT COMMITTEE ON THE CONSTITUTION

Inter-governmental relations in the United Kingdom

CALL FOR EVIDENCE

The House of Lords Constitution Committee, chaired by Lord Lang of Monkton, is conducting an inquiry on inter-governmental relations between the United Kingdom Government and the devolved administrations.

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

The deadline for written evidence submissions is 5pm on Thursday 15 January 2015. Public hearings will be held in January and early February 2015. The Committee will report to the House in spring 2015, prior to the dissolution of Parliament.

Background

Following the Scottish electorate’s vote to remain part of the United Kingdom, the UK Government established the Smith Commission to produce cross-party agreement on further devolution of powers to the Scottish Parliament. The Smith Commission’s proposals were published on 27 November 2014 and are expected to be reflected in a new Scotland Bill after the 2015 general election. Draft clauses for that bill are due to be published by the Government by the end of January 2015.

The proposals of the Smith Commission raise a number of important constitutional issues. Given the limited time available before Parliament is dissolved on 30 March 2015 in preparation for the general election, the Committee has decided to focus in this inquiry on inter-governmental relations between the UK Government and the devolved administrations. The Committee hopes to consider and comment upon the draft clauses due to be published by the Government implementing the recommendations of the Smith Commission when these are available, and expects to return to the subject of devolution in greater depth in the next Parliament.

The relationship between the UK Government and the devolved administrations is currently maintained through a mixture of formal mechanisms (set out in a Memorandum of Understanding) and informal contact. Some of these mechanisms are quadrilateral with representatives from the UK Government and the devolved administrations in Scotland, Wales and Northern Ireland; others are bilateral and governed by a series of concordats between UK Government departments and each devolved administration.
Inquiries by parliamentary select committees (including our own) and independent commissions have highlighted deficiencies in current inter-governmental arrangements. The Smith Commission stated that “the current inter-governmental machinery between the Scottish and UK Governments, must be reformed as a matter of urgency”. It recommended a new Memorandum of Understanding between the UK Government and the devolved administrations, new sub-committees for the quadrilateral Joint Ministerial Committee, and improvements to dispute-resolution arrangements. The Smith Commission also echoed earlier calls for greater transparency and parliamentary scrutiny of these arrangements.

Scope

The Committee invites evidence on how inter-governmental relations in the UK can be improved. While our primary focus will be on Scotland, in light of the proposed new powers for the Scottish Parliament, we also welcome evidence on UK-wide quadrilateral arrangements and the UK Government’s relations with the Welsh Government and Northern Ireland Executive. The Committee is also interested in whether and how the UK Parliament can best scrutinise and hold ministers to account over these inter-governmental relationships.

The focus of the Committee’s inquiry is inter-governmental relations between the UK Government and the devolved administrations: the Committee is not seeking to address the issue of which powers should or should not be devolved.

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

1. How can existing arrangements for inter-governmental relations be improved, particularly in light of the further devolution of powers (under the Scotland Act 2012, the Wales Bill and the further commitments made by the Government during its passage, and the recommendations of the Smith Commission)? Are new inter-governmental mechanisms required, particularly in the light of further fiscal devolution, including tax-raising powers?

2. To what extent do the current inter-governmental structures promote proactive cooperation, rather than simply acting as a means of dispute resolution? How could they be improved in this regard? To what extent is the scope for cooperation limited by policy and party differences between the devolved administrations, and between those administrations and the United Kingdom Government?

3. What is the appropriate balance between formal mechanisms and informal relationships?

4. To what extent should inter-governmental mechanisms comprise bilateral arrangements, as opposed to those including all four administrations?

1 Constitution Committee, Devolution: Inter-institutional relations in the United Kingdom (2nd Report of Session 2002-03, HL Paper 28)
5. How should inter-governmental mechanisms cope with the asymmetrical development of devolution within the UK?

6. Should any elements of inter-governmental relations be set out in legislation, or should they remain non-statutory? What are the advantages and risks of statutory mechanisms?

7. How can the UK Parliament best scrutinise and hold to account both formal and informal inter-governmental relations between the UK Government and devolved administrations? Are there lessons to be learned from the devolved legislatures?

8. Should the role of the territorial Secretaries of State and their departments be altered in light of the further devolution of powers? If so, how?

You need not address all the questions. The Committee would welcome other relevant views of which you think the Committee should be aware, and in particular examples of good and bad practice in this area.
Written evidence must be submitted online via the committee’s Inter-governmental relations in the United Kingdom’s inquiry page www.parliament.uk/inter-governmental-relations. 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 **Thursday 15th January 2015**.

Concise submissions of no more than 25MB/six pages 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 direct.

You may follow the progress of the inquiry at:

[www.parliament.uk/inter-governmental-relations](http://www.parliament.uk/inter-governmental-relations)

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