Unrevised transcript of evidence taken before

The Select Committee on the Constitution

MEETING WITH DEPUTY PRIME MINISTER AND MINISTER FOR
POLITICAL AND CONSTITUTIONAL REFORM

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Witnesses: Rt Hon Nick Clegg MP and Chloë Smith MP

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Members present:
Baroness Jay of Paddington (Chairman)
Lord Crickhowell
Baroness Falkner of Margravine
Lord Goldsmith
Lord Hart of Chilton
Lord Irvine of Lairg
Lord Lang of Monkton
Lord Lexden
Lord Pannick
Lord Powell of Bayswater
Baroness Wheatcroft

Examination of Witnesses

Rt Hon Mr Nick Clegg MP, Deputy Prime Minister, and Miss Chloë Smith MP, Minister for Political and Constitutional Reform, gave evidence.

Q1 The Chairman: Good morning and thank you, Deputy Prime Minister, for coming again to one of our regular discussions about constitutional reform and constitutional change, which you have been kind enough to have with us on several occasions. A particular welcome to Chloe Smith, who has joined the Cabinet Office since we last met the Deputy Prime Minister. I hope we will see you in future sessions.

The Committee has been looking at the mid-term review, which you published on Monday. I think we have picked up on your headline that the constitution of the coalition and the coalition’s progress “does what it says on the tin”. That seemed to be what was widely used in the media commentary on it. I wonder whether I could challenge you about whether or not the coalition’s programme on constitutional change does do “what it says on the tin”. Members of the Committee will remember that over the last two and a half years you have put before us a very ambitious programme for constitutional reform. I think we would feel that, with one or two exceptions, the record is not quite as starry as might have been
predicted from the comments that you made to us and the plans the Government announced over the last two years. Is that a fair assessment?

Mr Clegg: It is certainly fair to say that it has not gone as I would have liked, but that is politics; that is life. A fair assessment would be that we have done some big reforms that will stand the test of time. The Fixed-term Parliaments Act is a genuinely important change to our constitutional arrangements and will prevent Prime Ministers playing cat and mouse with the British people about the date of the general election. I think it has a big effect on the way in which parliamentary and political debate is conducted. By this stage in the parliamentary cycle we would all be trying to guess when the Prime Minister of the day might call a general election. Thankfully, I think that shadow has been lifted from a lot of the political debate during this and future Parliaments.

The Succession to the Crown Bill, to which we will turn our attention here in Westminster shortly, is of constitutional significance. Some of what I would call the wider economic and constitutional changes—the devolution of a lot of decision-making from Whitehall to the constituent communities and authorities in this country—is very radical. The eight City Deals we thrashed out with the eight largest cities—we have invited 20 further ones—were probably one of the biggest steps in devolving power from Whitehall downwards that we have seen in England for a very long time. We are trying to make progress on party-funding reform, on recall and on lobbying.

Other things such as House of Lords reform and electoral reform have not materialised—certainly not in the way I would have wished—but I still think there is a record which is not a paltry one and there is certainly a determination on my part, on Chloe’s part and on all of our parts in Government to push ahead. I would probably single out most especially this drive for further decentralisation and devolution, which has economic and tax aspects to it but is in many respects also a constitutional change.
Q2 Lord Hart of Chilton: One of the things I remember you saying about the programme of constitutional reform, Mr Clegg, was that it was an attempt to put further energy and renewal into the democratic process, to engage the public and make them feel that they are much more involved in the political process. Do you think there has been any success in that?

Mr Clegg: If one looks at the points at which the public has been asked for its view, bluntly the public has given a big thumbs down to significant political innovations—whether it was change in the electoral system to the House of Commons, the no votes in the local referenda about the establishment of local mayors, with the exception of one or two places, or the low turnout in the Police and Crime Commissioner elections.

I suppose you could derive one or another conclusion from that: you can either say everything is fine, everyone is totally happy with the status quo and utterly content with the state of democracy and the performance of their politicians, and therefore there is no need to worry further about how we can improve the quality of our democracy; or, as is my view, you can read into that a high level of apathy, cynicism and scepticism about politics generally, coupled of course—this is the thing that has changed dramatically over the past few years—with an acute sense of economic insecurity as we go through these unprecedentedly difficult economic times.

The biggest change over the past few years—let us say from the point at which there was this loud clamour for wide-ranging political reform in the wake of the MPs’ expenses scandals to now—and what has intervened beyond everything else is the economic situation. Quite rightly, that is uppermost in people’s minds: how are they going to pay their fuel bills? What is happening to the price of food in the supermarket? Will their children be able to get their feet on the first rung of the property ladder? Those concerns prevail over
everything else. That has dramatically changed the political and public climate in which these constitutional reform issues have evolved over the last two or three years.

Q3  Lord Hart of Chilton: If you are right in the choice of those two positions, what else do you have to offer to reengage the public in the democratic process?

Mr Clegg: As I said in answer to the earlier question, I have a personal attachment, always have done. Certainly, in the wake of the analysis that I set out earlier about the public mood—and indeed the response to what I would call some of the more conventional Westminster-based constitutional preoccupations: how this place works, how Parliament works and so on—trying to connect people’s search for greater economic security with a feeling of greater empowerment locally is very important.

On that, I do not want us to underplay the radicalism of what we have already decided. For example, the 50% retention of business rates by local authorities as of April is the biggest act of tax decentralisation this country has seen in a very long time.

In the same way that our economy was over-centralised, in my view, by the institutions and priorities of the City of London, our politics has been over-centralised in Whitehall. I would like to think, by the end of this Parliament and beyond, this country would be more decentralised, both economically and politically. The job for people like me and Chloe—and all of us, I dare say—is, in a sense, to try to capture the public imagination about how the economic needs of the country and the constitutional reforms of the country are aligned.

Q4  Lord Hart of Chilton: That is an emphasis on a theme of localism, which I very much agree with. Yesterday, we saw in this House the second reading of the Growth and Infrastructure Bill, where, of course, the opposite is happening. There is a suggestion that power should be brought back to the centre and localism denied.

Mr Clegg: As you know, that relates to very large infrastructure projects of national significance. There has been a longstanding debate about the division of labour, if you like,
between decisions that relate to infrastructure projects of national significance and the rights, abilities and freedoms of local communities to take economic decisions themselves. What we are trying to do is enhance the freedom and autonomy of local communities and authorities to take their own economic decisions. I have talked about the localisation of business rates; some of you may not have heard about tax increment financing. It is a radical idea; it is something I have been pushing hard for in Government. I first heard about it in North America: Chicago allows local authorities—for the first time, free of Treasury restrictions—to borrow money in anticipation of future revenues from capital investments. All those things provide greater autonomy, but I think there is a parallel recognition that, as a country, whether it is our energy infrastructure, our transport infrastructure or our housing infrastructure, we need to be able to get moving, and get moving faster than we have done in the past. It is about getting that balance right.

Q5 Lord Hart of Chilton: One of the themes is to take away planning authority powers in certain circumstances and repatriate them to the centre. Planning is very much about localism.

Mr Clegg: Indeed it is, which is precisely why we have introduced new freedoms in planning for local areas. We have got rid of some regional planning guidance, which we thought was too top-down, and given local neighbourhoods the right to call local referenda in response to certain planning issues. But you are right: on issues of infrastructure of national significance, we have taken a decision as a Government to publish the first national infrastructure plan, with a list of the infrastructure projects that we deem necessary for the future prosperity and sustainability of our economy, and made sure that is reflected in the planning system in highly circumscribed terms.
I accept there is a debate; you will always have a tension between localism and national economic direction. It is not a science; it is a judgment. It is an art, rather than a science. I think we are trying to get it to a better place than it was in the past.

Q6 Lord Lexden: I have two specific points. One relates to the devolution of taxation, Deputy Prime Minister, to Northern Ireland. The mid-term review states that the Government will consider the case for devolving corporation tax in Northern Ireland. This is a process of consideration that began in May last year. There has been a working party; both Ministers here and the executive in Northern Ireland considered it. A report, I understand, has been produced. It is a little disappointing to see that, in the box of the document that indicates action, it is still at the stage of consideration. Can you say anything about the final conclusion and when a decision might be announced?

Mr Clegg: I fear I will disappoint you. I cannot make a final announcement on it today. You will be aware of the reason why: the case has been put to devolve corporation tax-setting powers to Northern Ireland because of the discrepancy between the rate north of the border and the rate south of the border. It is a rather unique situation.

Equally, however, I hope you will recognise that it is quite difficult for us in central Government to take that decision in isolation from the knock-on effects that it might have in other parts of the United Kingdom as the debate on devolution reaches a crescendo in the referendum in Scotland in 2014 and in the wake of the Silk commission report about fiscal devolution to Wales, which explicitly ruled out devolution of corporation tax rates.

In a sense, it would probably be a more straightforward decision to take if we were able to take it on the merits of the Northern Irish economy alone. We are conscious, however, that we need to take a decision that is also aware of the knock-on effects on the wider debate on devolution in the UK.
Q7 Lord Lexden: My second point relates to the West Lothian question, which featured in the original coalition programme of political and constitutional reform. The mid-term review refers to the establishment of the commission; this happened some time ago. Have you any indication when this commission will reach a conclusion and produce proposals?

Mr Clegg: I will let Chloe speak, because I do not want to hog all the answers. I think Chloe is meeting the commission shortly to establish exactly how far they have progressed in their work. It is obviously for the commission to confirm whether they can meet the timetable set out. The shorthand label it has been given is the West Lothian commission; actually, its mandate is slightly narrower than that. The essay question, really, is: how do you reflect the realities of devolution in the procedures of Westminster? That is slightly narrower than the West Lothian dilemma.

Miss Smith: I do not have a great deal to add, except that we would be happy to discuss that at a later date when we have more information from the commission.

The Chairman: I think that might be helpful.

Miss Smith: What have I let myself in for?

Q8 The Chairman: Deputy Prime Minister, in your opening summary of things you hope to add to the record of constitutional change, you mentioned the Succession to the Crown Bill, which seems to have attracted more public debate in the last few days than one might have imagined. I wonder if that is something we will need to spend more time on than we thought. I know Lord Lang wants to ask about that.

Lord Lang of Monkton: Thank you, Lord Chairman. A lot of issues have become apparent recently: the question of consultation, the question of fast-tracking and that the Bill has elements of retrospection—all of which colleagues may wish to ask you about. I would like to focus on the relationship between the Church of England, the monarchy and the Roman Catholic Church. On the face of it, this is a Bill that moves with the times, is more
open and takes account of common practice and public opinion, but it seems to me that there are still deep tensions inherent within what is proposed that will emerge at a later date.

For example, although it is made clear that members of the Royal Family—and those in line to the throne—may marry Roman Catholics, the monarch may not be a Catholic. Secondly, apart from the first six in line to the throne, the remainder may marry Catholics and may, in turn, enter the line of succession in due course will be deciding whether or not to raise their children as Catholics or as Anglicans or some other religious faith.

There is a huge potential tension there: there is tension on the monarch of the day, who must decide whether or not to bar somebody in the first six who may wish to marry somebody who is not a member of the Church of England or is a Catholic and so on. What consideration has been given to these points?

Mr Clegg: A great deal of consideration. As has rightly been said there has been some public commentary. There has been extensive consultation between us and the other Commonwealth realms who are involved. The reason for the precision of the legislation—I have it here—is that it is extremely short. It is five clauses and a schedule that removes “or shall marry a Papist” from the Act of Settlement. It is very precise. There has been extensive consultation—not only between us and the other Commonwealth realms, but also, of course, between officials in the Cabinet Office and officials in the Royal Household—over a prolonged period of time.

It is worth recalling that under the present provisions an heir to the throne can marry someone of another religious denomination—someone of the Hindu or Muslim faiths—but not, uniquely, a Catholic. The present arrangements do not prevent the heir to the throne marrying someone of a different faith. What we are doing is simply removing a very specific act of discrimination against Catholics, which was instituted because of the historical
circumstances at the time—the threat of Louis XIV and all the rest of it—and doing so in a very precise way without in any way altering—and we are completely confident of this—the status of the established church in England and, of course, the monarch as the head of that church.

The Catholic Church itself has not had a doctrine for many years obliging people who are of a mixed religious denomination to educate their children as Catholics. That has been made clear. I know that; I am married to a Catholic and my children were raised as Catholics, even though I am not one. There is a lot of flexibility and the Catholic Church has been very clear about that. For all those reasons, we are confident that the misgivings that have come to light are misgivings that have very clear and compelling answers.

Q9 Lord Lang of Monkton: I too am married to a Catholic, incidentally, although I am not a Catholic. I do not think that is the issue. My concern is about the monarchy. The legislation you are proposing to change very quickly, with very little debate in Parliament and, I suspect, not as much consultation as would have been appropriate, has created—however much it may not conform to modern mores—a stable relationship between crown and state. The relationship between the church and the monarch is very long-lived. It predates the legislation you are amending. It is important to ensure that the monarch is not put in an invidious place in the context of which religion heirs to the throne or those in line to the throne are marrying.

If, for example, some of the people in the first six fell by the wayside and their marriage had been approved by the monarch—presumably, the monarch will be expected to decide whether or not they are allowed to marry a Catholic; that in itself is a difficult one—the others that then succeed may already have married Catholics and may already have raised their children as Catholics. There may be a domino effect, which could create enormous problems later on.
I also worry about the status of the Church of England and the position of the monarch as Defender of the Faith. If the position of the Defender of the Faith is questioned, it leads to the issue of whether or not the Church of England has to be disestablished. I am not expressing a view as to whether these are good things, but they are issues that affect the monarchy.

Mr Clegg: Sure.

Lord Lang of Monkton: You have to put on the statute book a piece of legislation that will last for a very long time and be stable.

Mr Clegg: I am not for a moment wishing to suggest this is not sensitive territory. I want to stress the care with which this has been proceeded with. The initial decision to both end the rules of male primogeniture and remove what is basically an act of anomalous discrimination against one faith, which is not applied to others, was taken in October 2011 at the Commonwealth summit in Perth. We have been very careful to make sure there was full consultation with the other Commonwealth realms and the legislation is precisely, ad verbatim, the same across all Commonwealth realms. Secondly, there is extensive consultation, as there has been, between officials in the Cabinet Office and the Royal Household.

We are mixing two things here. The restriction of who must seek the permission of the monarch to marry to six individuals is separate from the issue of whether the heir to the throne can marry a Catholic just as he or she can marry someone of other faiths. At the moment the monarch must provide permission to anyone who is a descendant of George II. That is very extensive. This is really a pragmatic cleaning-up and making-sure that, rather than having permission conferred upon thousands of people, who have a very distant relationship to that original antecedent, it is brought down to a more practical scale. That is different to lifting the bar on heirs to the throne marrying Catholics in ways, I could not
stress enough, they are free to do as regards other religions today—and have been for a
very long time.

**Lord Lang of Monkton:** I understand that; I just believe that it creates anomalies where
there previously had been none.

**The Chairman:** I know Lord Goldsmith and Lord Crickhowell want to intervene on this,
but maybe you have answered their points, Deputy Prime Minister.

**Q10 Lord Crickhowell:** I do not want to pursue the points of detail, which have been
very well covered by Lord Lang. I understood the point you made about getting a common
form of legislation in the various Commonwealth countries. My concern is simply about the
fast-track procedure. The very fact that all these questions have been raised in the way they
have suggests that Parliament will have a legitimate interest in asking these questions and
getting perhaps entirely satisfactory answers about them.

This Committee, particularly, is always concerned about the use of fast-track legislation on
constitutional matters. This is a very important constitutional matter and what concerns me
is that Parliament is not going to have—simply by the nature of fast-track procedures—the
opportunity to ask questions and for the Government to give satisfactory answers to these
questions. How do you propose to deal with this problem?

**Miss Smith:** From the point of view of the House of Commons—I would not, of course,
speak about the length of time it might take in your House—it has not been unusual for bills
of this length to pass in one day. I would start with that point. I think the use of the phrase
“fast track” is perhaps loaded with more than it needs to be in this instance. There is not
any hint of this being treated as some form of emergency legislation.

**Q11 Lord Crickhowell:** Is it not going to be rushed through in a single day, for example?
**Miss Smith:** Being of the length it is and, as I currently understand it to be, being uncontroversial on a party level between those in the Commons, we do not anticipate it needing more than that amount of debate.

It had, initially, been a question of scheduling. Further than that, as the Deputy Prime Minister has explained, what with the cumbersome process of having to coordinate this across the realms, we received final confirmation from all the realms—which the Palace would naturally seek and, I think, all members here would naturally seek—relatively late in the day and therefore found ourselves in the position of having to schedule this into Commons business.

I do not seek to excuse that this does, indeed, add up to one day, but I do seek to say that is not draconian; it is not any sense of doing it as an emergency. As has been explained, this has been in public and well-aired since the Commonwealth Heads of Government Meeting in 2011.

In addition, I note that this length of time has been used before on things such as the Sovereign Grant Bill—again, a constitutional Bill, which would have engaged, I am sure, many of the same people who might wish to make comments on this, and I do not think was seen as problematic. This is not to say this is some form of terrorist legislation; it is simply to say we had not anticipated it to be fundamentally controversial—in the sense that it removes a very specific piece of discrimination and is very short.

**The Chairman:** Lord Goldsmith, do you want to come in on that?

**Q12 Lord Goldsmith:** If I may. I want to make sure I understand. The intention is that the Bill, starting in the House of Commons, will pass all its stages in a single day. Is that what is intended?

**Miss Smith:** The intention had been that it would not require more time than that.
**Lord Goldsmith:** That is not quite the same. The fact that it is short does not necessarily mean it does not raise questions. The fact that the main parties may agree on the principles does not mean that there may not be issues—particularly given the sensitivity of the subject that it is concerned with—that may need airing and a degree of reflection after those points have been aired, before it is finally dealt with in the Commons and then comes to this House.

The Government are to be commended for the fact that they sought, as they had to, the precise agreement of the other realms, but the fact that we are seeing questions being raised such as those as Lord Lang raised—I do not want to pry into this, but they are questions as to the full extent of the consultation that has taken place with some of the most interested parties—is a bit worrying in the context of something that is so constitutional.

One of the issues this Committee has been very concerned with—and the Deputy Prime Minister will recall this well—is the process of consultation and reflection before constitutional change is made. That is why there is some concern even about describing this as fast-tracking and passing in a single day what is a momentous decision, even if it is obvious what the right answer, in principle, should be.

**The Chairman:** Can I add that the House of Lords Act 1999 was about as long as this Bill? It took more than one day.

**Miss Smith:** That is a very helpful reflection.

**Mr Clegg:** House of Lords reform will take an eternity. I hear what you say; I hear the strength of feeling. I think we have very good answers to the concerns that have been raised. I want to stress that there is nothing untoward about a rather pragmatic decision taken by the business managers. It is straightforward; it seemed to enjoy complete consensus. There have been no significant reservations raised by the other realms.
We have a very congested legislative agenda. It was a pragmatic business-management decision, but we will reflect on the strength of feeling expressed in this Committee and elsewhere. It is always available to us to change that if we wish to; we are not digging a trench and saying it must be done in a day. It was just a pragmatic assessment of how long it needed or, rather, how little time it needed.

Miss Smith: May I add one further, small observation? I hope it is a point of reassurance: the nature of the Bill is such that its scope is extremely narrow. It may not be possible for it to be subject to extensive amendments, as per the rules of the two Houses. I use that as a reassurance. Some people have raised questions about whether this affects hereditary peerages and so on. It does not; it is extremely narrow in scope.

The Chairman: May we now turn to something that this House will be considering again next week? It is the extremely difficult issue of the boundary reviews that we have been looking at for some time. Lord Crickhowell, do you want to pursue this?

Q14 Lord Crickhowell: Can I start with the perhaps rather old-fashioned view that on the whole one should proceed with legislation—and particularly constitutional legislation—on its merits, because if something clearly needs doing we should do it; we should not do it if it does not need doing?

Therefore, I start by asking about a concept I find difficult: this one of “balance” that you have put forward. It seems to me that if a measure is important and needs doing, the idea that you can weigh it in this balance of a number of constitutional measures is difficult—particularly, weighing it against the fact you failed to get your House of Lords Reform Bill through. We are not dealing with two measures that can be put in each side of the scales of balance, but a whole string of measures, some of which, to use your words, the public has “given a big thumbs down” to.
I do not accept the argument that they are a package, and because you have not succeeded, because the public has given a big thumbs down—or you have not persuaded the House of Commons that the House of Lords Reform Bill was a good Bill—somehow you can then drop a clearly desirable Bill simply because you must have a balance.

Mr Clegg: I am not proposing we drop any legislation at all. The legislation on the boundary changes is on the statute book and that will not change. Nor am I suggesting that we should drop the individual voter registration bill, which is coming before this House again, I think, next Monday. I am anxious we should proceed with it, because I think it is a very important instrument in dealing with fraud in the electoral system.

An amendment has been tabled to the individual voter registration bill in this place that would not remove any legislation from the statute book; it would simply defer the application of boundary changes by a full parliamentary cycle. For reasons I have explained on numerous occasions before, that is something that I support. However, I can reassure you that I have never and am not suggesting, as you suggested, that we should drop any legislation or repeal any legislation.

I think that balance is a rather important concept in a coalition Government. I do not think a coalition Government can survive without balance. The whole point of a coalition Government is that it is a balance between different parties, who come together with different points of view, who publicly say to the British people, “This is what we will do together” and who undertake to make concerted and sincere attempts to deliver on the package of things that we have done in a balanced way.

We may have a perfectly legitimate disagreement about whether sincere and legitimate attempts have been made on all sides, but my judgment—I think it is a reasonable one—is that in the area of constitutional and political reform, major areas of a common commitment to deliver reform were not honoured and that therefore it is perfectly normal in a coalition
Government to say, “We must retain the balance of the overall package; therefore, one side is entitled to make an adjustment to that package.”

I cannot stress enough that the adjustment is entirely in keeping with the coalition agreement. The coalition agreement did not specify when the boundary changes would come in; it just specified that we should legislate to have boundary changes take place. If one wants to be very legalistic about it—which I do not seek to be; I am very open about the politics of all this—we are keeping in tune with the spirit of the coalition agreement and keeping the legislation on boundary changes on the statute book, whilst proceeding, I very much hope, with individual voter registration.

Q15 Lord Crickhowell: Deputy Prime Minister, you have taken me exactly to my second line of questioning. I am afraid you will probably be rather bored at the thought of returning to a subject that was dealt with at great length only a month ago in the Political and Constitutional Reform Committee in another place, where you were extensively questioned on the point. I will not quote again—it is all clearly on the record and was on the record of that Committee—the eloquent statement you made about the importance of the Parliamentary Voting Systems and Constituencies Bill, the unfairness of the present arrangements and, at the end, of the simple, straightforward principle of equality that you are ensuring in legislation.

You now say, “Yes, I want to go ahead with all of this, but not now.” However, unlike Saint Augustine, it is not you who are putting off; you are asking the Great British public and the electorate to have something put off; in other words, you are saying that the next general election should not be fought on a fair basis. You have described why the present basis is not fair and yet you are arguing that we put it off until the next Parliament and that it is entirely reasonable that we should fight the next election on a basis that you have described, in eloquent terms, as being unfair and as producing more Members of Parliament than we
need and unbalanced constituencies, some small and some large. That seems to me a most extraordinary position to attempt to argue.

**Mr Clegg:** I do not think it is extraordinary. Let me put it this way: I would be perfectly prepared—I always was and still would be to this day—to ask Liberal Democrat MPs to go into the lobbies to support the boundary changes coming into effect ahead of 2015 if I felt that across the coalition the commitments to the wider constitutional reforms that we together undertook to implement in the coalition agreement were being faithfully pursued.

It is a matter of record that the Conservative Party has had a manifesto commitment to introduce elections to the House of Lords for many elections. Every Conservative MP was elected—forget the coalition agreement—on a solid Conservative Party pledge to introduce reform to the House of Lords. I totally admit I am speaking as a politician, rather than as a lawyer or even as a constitutional expert. As a politician and as a leader of a coalition party, you cannot expect the balance, which I think is essential to good coalition Government, to persist if one side of the coalition singularly fails—never mind what it says in the coalition agreement—to do what it has said to the British people it was going to do on numerous occasions.

The other side of the coalition is saying, “By the way, we will carry on with the other side of the ledger, which just so happens to have disproportionately beneficial electoral effects to one party as opposed to another.” I do not think anyone out there would think it was unreasonable to say, “No. In those circumstances”—I do this in a level-headed and un-acrimonious way—“we adjust this package of reforms, in light of the failure to deliver other major parts of the constitutional reform agenda that we had agreed to do together.”

The coalition Government will continue, notwithstanding these differences, and the boundary changes will come into effect a little bit later than originally envisaged.
I do not think that is so extraordinary. What I think is extraordinary is that so many MPs should have said to their own constituents, election after election, “We believe in an elected House of Lords” and, when push comes to shove and they have the opportunity, they baulk at doing so. Regardless of one’s views on the virtues or vices of these particular proposals, that is extraordinary and remains, in my view, very extraordinary. Do not put it in your manifesto.

The Chairman: We will come back to the House of Lords, you will not be surprised to hear.

Mr Clegg: I thought we had done that.

Q16 Lord Crickhowell: I have one final question. You referred to the broken scales of democracy in your remarks about this Act. What you are actually saying is, “We will not go ahead on the merits of this proposal; my party is insisting that the next election is to proceed on the basis of the broken scales of democracy.”

Mr Clegg: What I am acknowledging is that because of a political failure by others to deliver major components of a balanced package of constitutional reform, we will not go to the general election of 2015 with that balance package implemented.

I am not the author of this. I did not take the decision not to implement other major parts of that constitutional reform package; in fact, I spent a year and a half making painstaking efforts to try and piece together a cross-party approach. I am reacting to a set of circumstances that were not under my control and I think I am perfectly entitled, in the way that I have described, to react to those circumstances. To not react, I think, would be extraordinary. It would be extraordinary, given the balance that needs to underpin a coalition agreement, not to react significantly to altered circumstances.

Q17 Lord Lang of Monkton: I cannot let two of the things you said pass unchallenged. You referred to commitments that were not honoured, by which you implied that the
Conservative part of the Government failed to honour their commitments over House of Lords reform; that is incorrect. The Government voted in support of the House of Lords Reform Bill and tried to ensure backbench support. It was backbenchers, who were not party to the coalition agreement, who caused the Bill not to get through the House of Commons.

Secondly, you referred to our manifesto and said there were specific plans for reform; there were not. Our manifesto said we would seek a consensus on the reform of the House of Lords, which is totally different.

Returning to the boundaries review, like Lord Crickhowell I am baffled as to why you think it inappropriate to implement the review now. You said in your opening remarks to the Political and Constitutional Reform Committee in the Commons that some things had got stuck, within which you included the boundaries review. The boundaries bill did not get stuck; the bill has passed through Parliament. The Bill is all but law and the only thing that stands in the place of it becoming law is your resistance to it.

Lord Crickhowell has already quoted some and I could quote a number of other things you have said about the need to legislate early, the unfairness being deeply damaging to our democracy and so on. The fact is that you are now defying the will of Parliament. You are keen to get your constitutional reforms onto the statute book; you have one there, done and dusted and passed through Parliament. Why are you not implementing it?

Mr Clegg: First, I marvel at the idea that somehow backbenchers of the governing party have no responsibility at all to fulfil the obligations that their party made to the British people. I spend a lot of my time cajoling and persuading—sometimes it is a very painful process—MPs on my side of the coalition to vote for things they do not like at all. It is a very important point.

Q18 Lord Lang of Monkton: Why are you therefore not prepared to vote for this?
Mr Clegg: Can I just stress this? You made a point that somehow it is nothing to do with the coalition parties, but how backbenchers act. It has everything to do with it. We cannot get the business of this Government through unless there is a modicum of discipline in both the coalition parties. Both coalition parties and the leaderships of both coalition parties have to ask their backbenchers regularly, as I do, to vote for things they do not like. That is the nature of the push and pull and compromise of coalition politics. To say that somehow backbenchers of another party should be entirely free to turn their backs to the commitments that were made in the coalition agreement—never mind their own manifestoes—is not a logic that I follow.

I stress again that we do not seek to repeal the legislation on boundary changes, for the reasons I have explained exhaustively, which clearly do not meet with your satisfaction or agreement but I nonetheless think are politically perfectly reasonable and explicable. I am simply suggesting—and an amendment to this effect was tabled not by me but by somebody else, in this place, to the individual registration bill, that the implementation of the legislation should be deferred by a full Parliament.

Lord Lang of Monkton: Thus contradicting all the things that you stood for in support of this Act earlier.

Q19 Mr Clegg: If I may, I slightly take exception to the idea that somehow I am doing something that is contradictory to what we committed in the coalition agreement. In the coalition agreement we committed to legislate for boundary changes; we did not specify the timetable by which the boundary changes would come into effect. For reasons which are clearly political and to do with the balance that needs to be retained within a coalition Government, far from taking the draconian step of saying we should repeal that legislation, I am simply saying it should be deferred by a full parliamentary cycle.

Lord Lang of Monkton: You said in your evidence—
The Chairman: Forgive me. I think we will have this full debate on the floor of the House on Monday. I am aware, from the point of view of the Committee’s agenda, that we have only come halfway through our list of potential topics we wanted to raise with the Deputy Prime Minister. I know Lady Falkner wanted to make a specific point on this; would you allow her to take that forward? I apologise.

Lord Lang of Monkton: Not at all.

Q20 Baroness Falkner of Margravine: Deputy Prime Minister, one of the things that strikes me, listening this morning and having read the evidence from a month ago in the other place, was that the next time you are having these kinds of discussions in the quad, you might like to reflect to the Conservatives that when they talk of passing things based on principle and the merits of that particular measure, they might reflect on how enthusiastically they told the European Union to move forward on financial and political union and to go along with monetary union, yet when it comes to the UK’s role in the EU they are very happy to say, “There is a package here and we will veto sensible steps that we think you need to take in order that you give us some of the things that we want.”

What I am trying to say by using that example to you is that there is always in negotiation linkages that are drawn between what is achievable in one area and what is achievable in another. You are right to point out that, in terms of your own party’s interests, we see this as an entirely legitimate position to take.

Mr Clegg: I think that is a statement, rather than a question.

The Chairman: Yes.

Mr Clegg: I do not want you to draw me of all people into a long exposition on what may or may not happen in the European Union in the future, though I am more than happy to do so if you wish.

The Chairman: I think we might defer that to another day.
Q21 Lord Powell of Bayswater: I would like to make a less partisan point, but a related one. It is on the doctrine of ministerial responsibility. Looking back on two and a half years of experience in the coalition, do you think that the long-established doctrine of collective ministerial responsibility has been definitively undermined and will never be reinstated in the form it has previously applied?

Mr Clegg: I do not. Funnily enough, in anticipation of this I looked at the Ministerial Code to try to seek clarity on the definition of collective ministerial responsibility. The Ministerial Code says in terms, “No definitive criteria can be given for issues which engage collective responsibility.” It is not surprising that it is a relatively fungible concept because, in a sense, you cannot really—and certainly not in a coalition Government—expect collective responsibility to prevail in areas where there is not collective agreement.

If anything, what we are seeing is a slightly rough and ready honesty. Where there is no agreement on a particular issue between two political parties in a coalition, it is reflected in what they say publicly—until they do agree. Obviously, there are exceptions; one cannot be precise about these things. However, with exceptions, we have been pretty good at making sure that there is a degree of openness that the rather rigid traditions of Whitehall might not be fully accustomed to; where the two coalition parties do not agree they candidly say so.

However, where we do agree, I think we have confounded expectations. We have confounded all the pessimists and cynics at the beginning and stuck to our agreements, with perhaps the exceptions of some of the things we have recently discussed, far more successfully than many people anticipated.

Later today we will publish online a lengthy annexe, if you like, to the mid-term review document that we published on Monday, which will enumerate how we have done, set against the measures that we said we would implement in the coalition agreement. Of
course, there have been some areas where we have not been successful, but actually we have been overwhelmingly successful, more so than many people predicted, in the overwhelming number of cases.

**Q22  Lord Powell of Bayswater:** The genie is out of the bottle in a way, is it not? There have been breaches in collective ministerial responsibility as hitherto recognised: things like separate statements on the Leveson report. Do you think the genie can be put back in the bottle, if we assume that coalition Government does not necessarily become the model for the future?

**Mr Clegg:** Maybe I am not sensitive enough to these things, but I could not understand the fuss about the fact that the Prime Minister and I made different statements about something we did not agree on, which was not covered in the coalition agreement—and did so in a perfectly civil way. I sat and listened to his statement; he sat and listened to my statement. You cannot have collective responsibility if you do not have collective agreement. I marvel at this idea that you can be responsible for representing a single view if there is no single view. I hear people tutting; this is the nature of more plural politics.

**Q23  The Chairman:** Would cabinet government, as we have understood it, not have been totally different if that had been applied to one–party governments?

**Mr Clegg:** You do not have a one-party Government. What I am asking you to entertain is the possibility that life will not come to an end, and has not come to an end, if you have perfectly open, civil expressions of differences of opinion, either in Parliament or in the media, pending collective debate and collective discussion.

I have been struck by the number of times I have been told after the coalition Government was formed by veteran figures within Whitehall that, far from disrupting Whitehall traditions, it revivified them, because it led to a more collective, open approach to decision-making. By
definition, you have to do that in a coalition. It has led to less sofa government and capricious decision-making taken by one or two people.

I chair, for instance, the Home Affairs Cabinet Committee, which deals with the vast swathe of domestic-policy matters. We meet week-in, week-out and we have collective, sometimes tough but on the whole very amicable, discussions. In a strange way, coalition Government has been a catalyst for reinforcing some good, old-fashioned Whitehall principles and practices.

The Chairman: Can we ask you about an amendment that will come up in this House on Monday, which this Committee has been very involved with? Lord Pannick is leading the amendment, which is co-signed by other members of this Committee.

Q24 Lord Pannick: Thank you. I wanted to ask Chloe Smith about this. This is the amendment that will allow those in a queue outside a polling station at 10 o’clock to vote. Chloe Smith, you resisted this in the Commons on the basis that careful planning will deal with any problems that may arise. Can I remind you of what the Electoral Commission said earlier this week? It said, “Though careful planning is essential … no degree of planning alone can entirely mitigate the potential risk of queues at the close of poll, and we believe that this simple change to the law would provide an important safeguard for all electors and would not be burdensome to implement.” There is a lot of force in that, is there not?

Miss Smith: Thank you for the chance to answer this. I ought to say, for the record, I did not resist that in the Commons: it was my predecessor, Mark Harper, the MP for Forest of Dean. However, I had the pleasure to respond to this Committee’s report on it in the autumn.

The current position is, it is fairer to say, that we await with interest the debate you shall have in this place. The Government are not yet convinced that legislating on this matter is the best way to solve the problem. The problem—as per some of the evidence that has
been put forward and, indeed, gathered by this Committee—was, at the last election, actually very small. 27 polling stations were affected out of a possible 40,000, as I understand it. Indeed, some of the polling stations may be relevant to those sitting in the room. The fact is that this is quite a small proportion.

The Electoral Commission and all of us expect that instructions, guidance and good plans are followed. That is a basic point that we would all expect at any election. Do we then legislate to solve that problem? I think not, for the reason that legislating on this particular case could well introduce more grey areas than currently exist. I would be concerned to see that happen and burdens placed on electoral officers accordingly.

Q25 Lord Pannick: Yes, but even if one elector is unable to vote, surely that is a problem that ought to be addressed. We are seeking to encourage people to vote, rather than impose detriments on them. It is very difficult to see what further problems would be caused. It is a simple reform: if you are in the queue at 10 o'clock, you can vote. It will not be difficult to administer. The Electoral Commission do not think it will be difficult to administer.

Miss Smith: I would make two points, really. We all agree that this individual voter absolutely has a right to vote. We all wish to see high levels of registration and turnout—but this individual voter has many hours in the day in which to vote. They do not need, in most normal people’s working lives, to turn up at 9.59 pm. It is unlikely.

In my understanding of the way most people’s days go—I am a constituency MP, like many people here have been—even shift work does not force you to turn up at 9.59 pm and use that as your only moment to vote. If you perceive a problem with that there is postal and proxy voting as well, so I reject the argument that it is necessary to help that person on the stroke of the clock at 10 pm.
I do not think it is simple to legislate for those in queues. I reject that argument, because the one thing that is common across all polling stations is time. The thing that is not common is the geography and the layout of that polling station. Lots of different places are used and we would create a further level of definition of what constitutes the queue. That is where you would see pressure on electoral officers.

The Chairman: In the interests of time management, I think we must, if we may, spend a few minutes on House of Lords reform and then there are two fairly significant international issues that the Committee would like to raise.

Q26 Lord Lexden: Deputy Prime Minister, this is the obvious question relating to this place. Given that your proposals can make no progress in the foreseeable future, why are you so firmly opposed to the changes and improvements that have been put forward? The most prominent of them is embodied in what is called the Steel Bill, which is well known to you. Why can these improvements not be made to the existing House? Surely the principles and considerations on which your proposals rest are entirely different; why should the House of Lords not evolve a little further—as it has evolved, by stages, in the past—beyond the existing basis, the Steel Bill being the current package to achieve that? I repeat, your own proposals rest on quite different foundations.

Mr Clegg: Do you mind if Chloe responds on the Steel Bill specifically? I know she has been following that closely. I might provide my own observations.

The Chairman: I think we would also like to hear from you, if we may. You may not want to get too involved in the rights or wrongs of the Steel Bill, but the general points that are constantly raised in this House about what people describe, perhaps wrongly, as housekeeping changes and things that could improve the working of the House.

Mr Clegg: If Chloe goes first, I will follow.
**Miss Smith:** On the Steel Bill, it is far from clear that it would even achieve change on its own grounds—on the three things the Bill tries to do. To take an example, on convictions it would only catch future criminals, rather than present or past, which I think is less than adequate.

**Q27 Lord Lexden:** Could I interrupt? Is there any reason why the current proposal should not be amended to provide retrospection? I think we are all keen to see removed from this House those who have fallen foul of the law very conspicuously in the last few years.

**Miss Smith:** Indeed, I would echo that. From the point of view of the House of Commons, we are equally keen to proceed with measures to recall MPs, which we might, if you wanted to at another time, go onto. That takes us back to the broader issue of what reform is appropriate to proceed with after you have had one big round of it, if you like. It is the view of the Government that, having attempted fuller reform, which did not pass, to the regret of the Government, if you then instead put effort and support behind a minimal set of reforms that did not do what you had hoped you would do with the first round, it is likely to be ineffective.

**Mr Clegg:** The only thing I would add is that as in any Government you have numerous private members’ bills put to you. Some are good; some are bad; some are beautiful; some are ugly; some are worthy; and some are not. That is the nature of government. There is a constant flow of private members’ bills and you have to make decisions, as a Government, about which are worth pursuing and taking up. One of the criteria, which this Government applies, as all Government’s would have done, is whether—dare I say it—it does what it says on the tin. Does it really make a material difference? As Chloe has explained, we can only react to the private member’s bill as it is.
As it is, I do not think anyone who has subjected it to any objective scrutiny would say it really does what it says on the tin. It would institute the presently non-statutory voluntary retirement scheme, which has only been taken up by two members so far, and regarding non-attendance provisions, peers would only be required to attend once every session to sustain their membership. I think it is not unreasonable for this Government, as we do for the vast majority of private members’ bills, to say, “Thank you very much. We understand the motives behind it, but we are not taking this one up because we do not think it would shift the dial in any significant way.”

Q28 Baroness Wheatcroft: Deputy Prime Minister, you have left us in little doubt that as far as you are concerned this House is not fit for purpose and you would like to see a much smaller chamber. We keep hearing that there will be a list of new entrants to this House—quite a significant number of new peers—and I wonder how you square that and your involvement with that list with your conviction that there should be many fewer members of this House.

Mr Clegg: I do not think I accept that. I think the assumption behind your question was that because House of Lords reform, in the way I and many other people would have envisaged, which would have both involved greater legitimacy and a constrained size, has failed because of the actions of others, therefore I should somehow duck out of the way in which the system currently exists. I do not follow the logic of that at all. What we said in the coalition agreement was very clear. We said we would continue to make appointments to the House of Lords in proportion to the votes won by parties in this House at the last general election, pending a wider-scale reform. That is the approach, as per the terms of the coalition agreement, that we will pursue and obviously I will play my role within that.

Q29 Baroness Wheatcroft: Do you accept, however, that this will inevitably add to the cost of this House and also be in contradiction to what you were discussing earlier about
the need for localism rather than centralism? All the costs will be ladled on here at the same
time that local authorities are having to cut back. Is there not a contradiction there?

Mr Clegg: I think the burden is on those people who have rejected House of Lords reform
to explain why they did so, when that clearly, inevitably leads to a House that will get bigger
and bigger—and that has many problems attendant to it.

I gave it my best crack to try and come up with a solution that enjoyed cross-party support
and that would have constrained the size of the House of Lords and instilled legitimacy into
this place. That did not meet with favour and was not supported. I regret that; of course I
regret that. However, that attempt at proper reform having failed, we are stuck with the
system we have and we, in the coalition Government, will continue to make appointments
to the House of Lords according to the terms of the coalition agreement.

Q30 Baroness Wheatcroft: Do you think the electorate might see a degree of cynicism
at work there? “On one hand they want to slim it down; on the other, hang on, they are
adding to the numbers and the costs and so on.”

Mr Clegg: You deal with the world—in politics especially, but as much in life—the way you
find it, not the way you might want it. If I take it to its absurd extent, you say that because
you do not like the road junction at the end of your street, you will drive as if it were
shaped differently. You have to deal with the world as it is.

I wish the House of Lords were reformed more extensively. I made no secret of that. That
will not happen. There are a whole bunch of things about our constitutional arrangements
that everybody knows I do not like. I wish we had a different electoral system. There are all
sorts of things I would like to change. I am a practical politician as well as a dreamer of
reform; as the former, and certainly as party leader, I will continue to participate in the
arrangements in which I am presently trapped.
Q31 Baroness Wheatcroft: Do you think it would be surprising if the public—you have already said how disillusioned the public seem to be with politics—will look at that and say, “He is not so much a practical politician as a cynical politician”?

Mr Clegg: I think they will be reminded, at that time, that we would not have to have this, in my view, unsatisfactory state of affairs, where the House of Lords is populated by people handpicked by party leaders like myself, if only politicians had honoured their own manifesto commitments and voted in favour of the reform option available to them. I will certainly—I think, with others—not be shy in pointing that out.

Q32 Baroness Wheatcroft: Can we be assured that the non-cynical politician will certainly not be appointing donors to the House of Lords?

Mr Clegg: Party leaders are free to put forward appointments to the House of Lords in the way they always have done. As you know, there are some pretty extensive checks on how that is done. The approach we have set out in the coalition agreement—that we should seek to do so in proportion to the support won by the parties represented in this House at the last general election, pending wider reform—seems, to me, a reasonable one. There is a logistical issue of size and numbers. I totally accept that. My view is that will not be finally resolved until we bite the bullet and introduce proper, wholesale reform of this place. That will not happen during this Parliament and, in the meantime, we will proceed in the way that I described.

Q33 Lord Lang of Monkton: Deputy Prime Minister, there is a substantially supported all-party committee in this House on constitutional matters led by Professor Lord Norton of Louth and Lord Cormack. They have been very keen to meet you. I know dates have been put in the diary and have then had to be cancelled because you are a very busy man. I think it would be helpful if you would give a commitment that you still want to meet them, and you will find a date very soon.
Mr Clegg: Of course, I would be delighted to. I have met Lord Norton in the past and his expertise in these matters is second to none. I will find out what has happened. I was not aware that meetings had been arranged and cancelled.

Q34 The Chairman: I think we must, in the remaining minutes turn to some of the international issues that we wanted to raise with you. Lord Powell, I know you have raised, particularly with us in the past, the question of war powers.

Lord Powell of Bayswater: After such a peaceable discussion, I thought we might go to war. There is a convention that Parliament is given the opportunity to vote before UK troops are committed to a conflict.

Mr Clegg: Yes.

Lord Powell of Bayswater: However, clearly something is going on within Government, because Lord Wallace of Saltaire gave a written answer saying that the convention was being looked at and the formulation of it needed adjustment and so on. Can I ask, first, when we will see something? Secondly, what it is likely to be?

Mr Clegg: You are right; there is, frankly, a debate. You will be familiar with the contours of that debate, about how we can formalise and enshrine what I think is a very welcome convention and practice that has developed over time that any decision to commit British troops to conflicts around the world is subject to a proper debate and vote in Parliament. The debate centres on exactly how you formalise that. At one extreme, you could seek to legislate to do so. That has many merits to it but also has some quite complex knock-on effects about the legal implications and the role of the courts. Lord Goldsmith will be more familiar with this territory than me—i.e. the legal aspects and what knock-on effects that would have on the ability of the courts to intervene in decisions taken by government and, indeed, Parliament to commit troops.
Or one could go, if you like, to the softer end and come up with various ways in which you could enshrine that practice in a parliamentary resolution. Very candidly, there are different views on this and there are those who are forthright in their view that we should try and make that convention as solid, strong and fixed as possible. I am probably more at that end; as you know, the Foreign Secretary has, in the past, talked about looking at enshrining this practice in law. There are others who have perfectly legitimate and sound reasons to be more cautious about that.

Frankly, we have not resolved that discussion. In the spirit of collective responsibility, I am afraid I will only be able to confirm when we will be able to come forward with a decision and what it would be once we have resolved that, which we have not quite done. We are, however, attempting to do so because everybody agrees that this is a healthy convention, which we want to formalise.

Q35  Lord Powell of Bayswater: Would you agree that it is necessary to preserve some flexibility on this, given the need for secrecy, sometimes, and the need for emergencies? Over Libya we were not able to have a debate and vote before, but rather shortly afterwards. That has been true on other occasions.

Mr Clegg: Yes, that is precisely one of the arguments that is deployed against an excessively rigid and fixed commitment about how this convention works, for the very pragmatic reasons that maybe you need to move very fast or there is certain intelligence information that is vital to action. In the Libyan case, a debate was held about the Libyan action shortly afterwards.

Lord Powell of Bayswater: It was on the Monday—after it had started on the Saturday.

Mr Clegg: That was after Benghazi. That is a good example, where we felt that that the humanitarian circumstances in Benghazi were such that very urgent action was required. I
think no-one really disputed that and it certainly was not challenged in the subsequent
debate.

However, it is precisely those kinds of very tricky decisions on how you would schedule
such a debate in real time that are making those of us who perhaps want to see the most
formal, rigid form of formalisation of this hesitate about some of the practical implications of
doing so.

**The Chairman:** The Committee is hoping to revisit its 2006 inquiry into this.

**Mr Clegg:** That is excellent.

**The Chairman:** Hopefully those two things will run roughly in parallel with the internal
Government discussions.

**Mr Clegg:** That would be very useful. When would that be?

**The Chairman:** It would probably be within the next few months. Would that be too late
or too soon?

**Mr Clegg:** I think from our point of view, the sooner the better.

**The Chairman:** That is helpful guidance.

**Q36 Baroness Falkner of Margravine:** I am somewhat reassured, Deputy Prime
Minister, that this is an active discussion and I am relieved to hear that it is ongoing and has
not gone entirely quiet. However, I am confused by your equating a resolution of Parliament
with the commitment given by the Foreign Secretary that we would enshrine in law the
necessity of consulting Parliament on going to war. What would be the status of a
resolution of Parliament in terms of its justiciability?

**Mr Clegg:** This is why my view is that probably the next most sensible step from the
Government’s point of view would be to enumerate the range of options in one way or
another and then tease out, through consultation with this Committee and others, which
ones are justiciable or not. I think it is a sliding scale, to be honest.
That is part of the reason why we have not moved more quickly on this: the more we have probed into it, the less it is as scientific as one might imagine. How we would craft a resolution and what legal or political status that would have depends in part on what the resolution says, how it is framed and how it is delivered. That is why there are a number of options short of full enshrining in law, which I think it would be reasonable to explore in full. I do not know whether the Committee will do so.

Q37 Lord Goldsmith: I assume, Deputy Prime Minister, you would agree that respect for the rule of law is a fundamental principle of our constitution. The question is what the Government think that means in circumstances where, at the moment—I know it is tricky area—we have, so long as the third option remains in relation to prisoner voting rights, the appearance that the Government will allow something to go forward which appears to be contrary to our international obligations. Would the Government agree that respect for the rule of law means respect for our international obligations—even where we find them a bit difficult to swallow?

Mr Clegg: Chloe has been following this very closely and she may want to comment, but before she does: of course this Government will abide by our international obligations as much as any other Government must do so. At the same time, Parliament is sovereign. The issue is how you balance the right of Parliament to assert its sovereign view and the absolute obligation, about which we are unbending, to meet our international legal obligations. That is where the pinch point lies.

Q38 Lord Goldsmith: Permit me, before Miss Smith speaks, to note that this amounts to saying that Parliament has the right or, rather, the ability, to break the law. That is the only sense in which Parliament is sovereign when it comes to international obligations, to which this country has subscribed.
Mr Clegg: Parliament has voted overwhelmingly in favour of the blanket ban, which the Court has made very clear is not consistent with its rulings. It seemed to us inconceivable that we could publish a range of options, which did not, at least, set out the option that Parliament had very recently voted on in overwhelming numbers. It would be odd to be silent on something that Parliament has been so explicit about—notwithstanding the legal challenges the Court has clearly posed to that particular option.

Miss Smith: The only thing I would add is what is already on the record in both Houses from the Lord Chancellor who, in quoting Lord Hoffmann in 1999, noted that Parliament must confront those issues. I am confident that further matters for debate will come out in the joint committee.

Q39 Lord Goldsmith: For the record, the statement that the Lord Chancellor has made, which actually referenced what Lord Hoffmann said, is out of context and does not actually say that Parliament can break the law. That is to do with what Parliament does in terms of legislation; it is not saying, when the European Court of Human Rights passes a ruling, we have a sovereign right to ignore it or to break it. It is out of context and misplaced.

Miss Smith: I will not engage on that, if you will forgive me. I have not the experience that Lord Goldsmith does, but I will look forward to that coming out in the joint committee.

The Chairman: Thank you very much, Miss Smith, and thank you both for your time. You have covered an enormous range of subjects. We are very grateful for the help you have given us on a huge range of topics. I suspect that we—although probably not you—would welcome another opportunity to pursue some of the matters that you have mentioned, Miss Smith, which the House of Lords will be dealing with.

Deputy Prime Minister, we are always grateful for your wide-ranging overview and also, in this case, are grateful for your guidance on our potential review of our inquiry into war powers. That was very helpful. May I thank you very much on behalf of the Committee and
say we look forward to being both in correspondence and in contact with you personally again over the coming months? Thank you, again.

Mr Clegg: Thank you very much.