



Cabinet Office

English Votes for English Laws: An Explanatory Guide to Proposals

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Introduction

The Government has announced plans to change the way legislation is considered in the House of Commons to give English and Welsh MPs a fairer say over laws that only affect their constituencies and are on matters which have been devolved. This note sets out how the new legislative process will work if it is agreed by the House of Commons. It is published alongside the proposed new Standing Orders and an Explanatory Memorandum.

What is it trying to address?

English Votes for English Laws addresses the so-called ‘West Lothian Question’ - the position where English MPs cannot vote on matters which have been devolved to other parts of the UK, but Scottish, Welsh and Northern Ireland MPs can vote on those same matters when the UK Parliament is legislating solely for England.

As devolution to Scotland, Wales and Northern Ireland is strengthened, the question of fairness for England becomes more acute. These proposals change the process by which legislation is considered by the House of Commons so that MPs with constituencies in England (and where relevant England and Wales) are asked to give their consent to legislation that only affects England (or England and Wales), and is on matters that are devolved elsewhere in the UK. Those MPs will therefore have the opportunity to veto such legislation. The change will strengthen England’s voice, just as devolution has strengthened the voices of Scotland, Wales and Northern Ireland within the Union, so that the legislative process is fair for everyone. All MPs will continue to be able to amend and vote on all legislation, as they can now.

What legislation is affected?

The new process will apply to Government bills introduced in this Parliamentary Session that have a Second Reading in the Commons after the new rules are agreed. It will then apply to all parts of Government bills which are certified by the Speaker as containing English, or English and Welsh, provisions. It will not apply to routine bills that implement the House’s spending decisions contained in the Estimates. It will also apply to secondary legislation.

How does it work for bills?

- When a bill has been introduced in the Commons, the Speaker will **certify** whether the bill, or parts of it, should be subject to the new process. When making this decision the Speaker will decide whether the legislation relates exclusively to England, or England and Wales, and concerns matters which are devolved to Scotland, Wales or Northern Ireland.
- Once the Speaker has certified a bill it continues to **Second Reading and Committee Stage** as normal.
- Any bills that the Speaker has certified as England-only in their entirety will be

considered by only English MPs at **Committee Stage**. The membership of this Committee will reflect the numbers of MPs that parties have in England. This will not apply to any other bills, such as those which contain a mixture of England-only and England and Wales provisions or bills which contain provisions which are UK-wide.

- After this the bill continues to **Report Stage** as normal.
- For bills containing English or English and Welsh provisions, there is then a process for gaining the consent of English or English and Welsh MPs. A Legislative Grand Committee considers a **Consent Motion** for any clauses that the Speaker has certified as English or English and Welsh only. This is a new stage which will allow all English or English & Welsh MPs either to consent to or to veto those clauses. At this stage no amendments to the text of the bill can be made but specified clauses can be vetoed by amendments to the Consent Motion. In the case of a bill which is England-only, or England and Wales only, this stage allows those MPs to consent to or veto the whole bill.
- If clauses of the bill are vetoed by the Legislative Grand Committee there is a **Reconsideration Stage** when further amendments can be made, to enable compromises to be reached. The whole House can participate in this stage, which is, in effect, a second Report Stage for disputed parts of the bill. This is followed by a **second Legislative Grand Committee** at which all English or English & Welsh MPs are asked to consent to the amendments made by the whole House. If no agreement is reached at this point, the disputed parts of the bill fall.
- Following Report stage and any Consent Motions the bill continues to **Third Reading**, in which as now all MPs can participate. It then progresses to the House of Lords. If there are any consequential amendments to the rest of the bill required as a result of disputed parts of the bill falling, there will be an additional stage before Third Reading to allow this.

The legislative process in the House of Lords is unchanged.

If the bill is amended by the House of Lords, then when it returns to the Commons the Speaker is required to certify any motions relating to Lords amendments to the bill, on the same basis as before. Any votes on amendments that have been certified as England or England and Wales only will be subject to a double majority vote. That is to say that such amendments will have to be supported by a majority of English or English and Welsh MPs as well as a majority of all MPs before they can become law.

In a double majority vote MPs will go through the division lobbies as now, but their votes will be recorded electronically as well as counted by the Tellers. This will allow two results to be announced at the end: one for English, or English and Welsh MPs, and one for the whole House.

The process for bills that start in the House of Lords is similar, with bills being certified when they first arrive in the House of Commons.

The new process is summarised in a diagram attached to this note.

What about Finance bills?

Finance bills, and bills that could usually be referred to as finance bills, are included in the new procedures. They will be subject to the same process as other bills, but with one change. The Legislative Grand Committee for these bills may consist not only of English or English and Welsh MPs, but also English, Welsh and Northern Ireland MPs where relevant. This reflects the devolution of income tax rates and thresholds on earnings to Scotland. Relevant Budget Resolutions, on which Finance Bills are founded, will also be subject to the consent of these MPs, in a double majority vote. Any taxes which apply to Great Britain will continue to be considered on a UK-wide basis

How does it work for secondary legislation?

Secondary legislation that is subject to the affirmative procedure, or that is subject to the negative procedure and has been prayed against and scheduled for debate, will be certified by the Speaker using the same criteria as for bills. Unlike bills, he will consider statutory instruments in their entirety. If a whole statutory instrument is England or England and Wales only and meets the “devolution test” it will be subject to the new process. If any part of it applies to Scotland, Northern Ireland or the whole UK, it will not be subject to it.

When considered in committee, all statutory instruments will be considered as they are now. If a statutory instrument that is certified as English (or English & Welsh) is pressed to a vote on the floor of the House the support of both the whole House and of English (or English and Welsh) MPs will need to be secured in order for it to be approved. These decisions, where contested, will usually be taken by deferred division, as now. Votes on the distribution of spending in England, or England and Wales, such as on the Revenue Support Grant and Police Grant, will also be subject to the new procedures (with a double-majority vote in which both the UK and English, or English and Welsh, majorities would need to agree to the proposals).

How will the changes be made?

The proposed changes to the legislative process would be implemented by amendments to the Standing Orders that govern the procedure of the House of Commons. The whole House of Commons will vote on these proposed changes.

This decision is for the House of Commons only as the legislative process in the House of Lords is unchanged. The new process is planned to take effect on the day after approval by the House of Commons. It would then apply to bills that have a Second Reading in the Commons, and all new statutory instruments laid, from that date.

Review

The Government is proposing that the House of Commons Procedure Committee will be invited to assess the new procedure after the first bills have been passed under the new rules.

Outline of model - Bill starting in the House of Commons

Whole House of Commons: ●

New stage comprising MPs from only:
 1) England; or
 2) England & Wales ●

