

# HOUSE OF COMMONS

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## Constitutional Reform statement

3 July 2007

Mr Speaker, all Members of this House and all the people of this country have a shared interest in building trust in our democracy. And it is my hope that, by working together for change in a spirit that takes us beyond parties and beyond partisanship, we can agree a new British constitutional settlement that entrusts more power to Parliament and the British people.

Change with a new settlement is, in my view, essential to our country's future. For we will only meet the new challenges of security, of economic change, of communities under pressure - and forge a stronger shared national purpose - by building a new relationship between citizens and government that ensures that Government is a better servant of the people.

Let me pay tribute to the contribution to our thinking - and the wider constitutional debate - already made by Parliamentarians on all sides of the House. And because I want this process to be one in which we consult and involve not only all political parties but also all the people of this country, what I propose today is not and should not be seen as the final blueprint for a constitutional settlement but a route map towards it.

This route map seeks to address two fundamental questions: to hold power more accountable and to uphold and enhance the rights and responsibilities of the citizen.

And while constitutional change will not be the work of just one bill or one year or one Parliament, I can today make an immediate start by proposing changes that will transfer power from the Prime Minister and the executive. For centuries they have exercised authority in the name of the monarchy without the people and their elected representatives being consulted. So now I propose that in twelve areas important to our national life, the Prime Minister and executive should surrender or limit their powers - the exclusive exercise of which by the Government should have no place in a modern democracy.

These are:

- the power of the executive to declare war;
- the power to request the dissolution of Parliament;
- the power over recall of Parliament;
- the power of the executive to ratify international treaties without decision by Parliament;
- the power to make key public appointments without effective scrutiny;
- the power to restrict Parliamentary oversight of the intelligence services;
- power to choose bishops;

- power in the appointment of judges;
- power to direct prosecutors in individual criminal cases;
- power over the civil service itself;
- and the executive powers to determine the rules governing entitlement to passports and the granting of pardons.

I now propose to surrender or limit these powers to make for a more open twenty first century British democracy.

Mr Speaker let me set out the measures, the details of which are included in a Green Paper published today by my Right Honourable Friend the Justice Secretary.

While constitutional change should never limit our ability to deal with emergencies and should never jeopardise the security of our forces or any necessary operational decisions, the Government will consult on a resolution to guarantee that on the grave issue of peace and war it is ultimately this House of Commons that will make the decision. I propose, in addition, to put onto a statutory footing Parliament's right to ratify new international treaties.

We will also consult on proposals that this House of Commons would have to approve a resolution for any dissolution of Parliament requested by the Prime Minister ----- and that, while at present members of Parliament cannot decide whether the House should be recalled, for the first time a majority of Members - and not just the Prime Minister - should have that right, subject to your authority Mr Speaker.

The House of Commons should also have a bigger role in the selection of key public officials. I propose as a first step pre-appointment hearings for public officials whose role it is to protect the public's rights and interests - and for whom there is not currently independent scrutiny. This includes the Chief Inspector of Prisons, the Local Government Ombudsman, the Civil Service Commissioner and the Commissioner for Public Appointments. For public offices where appointments are acknowledged to be market sensitive the Chancellor will set out today how pre-commencement hearings will apply to new members of the Monetary Policy Committee, including the Governor of the Bank of England, and the Chairman of the Financial Services Authority. I propose that we extend pre-commencement hearings to utility and other regulators; that we review too the arrangements for making appointments to NHS boards; and it is right that this House of Commons vote on the appointment of the Chair of the new Independent Statistics Board.

Mr Speaker, I can announce that from now on the Government will regularly publish, for Parliamentary debate and public scrutiny, our national security strategy setting out for the British people the threats we face and the objectives we pursue. I have said for some time that the long term and continuing security obligation upon us requires us to coordinate military, policing, intelligence and diplomatic action - and also to win hearts and minds in this country and round the world. So following discussions over the last few months, I have decided to establish within Government a national security council, charged with bringing together our overseas, defence and security but also our development and community relations effort ----- and sending out a clear message that at all times we will be vigilant and we will never yield in addressing the terrorist threat.

As the security agencies themselves recognise, greater accountability to Parliament can strengthen still further public support for the work they do. So while ensuring necessary

safeguards respecting confidentiality and security, we will consult on whether and how the Intelligence and Security Committee can be appointed by, and report to, Parliament. And we will start now with hearings, where possible, held in public; a strengthened capacity for investigations; reports subject to more Parliamentary debate; and greater transparency over appointments to the Committee.

The Church of England is, and should remain, the established church in England. Establishment does not, however, justify the Prime Minister influencing senior church appointments, including bishops. And I also propose that the Government should consider relinquishing its residual role in the appointment of judges.

The role of Attorney General which combines legal and ministerial functions needs to change. And while we consult on reform, the Attorney General has decided, except if the law or national security requires it, not to make key prosecution decisions in individual criminal cases.

To reinforce the neutrality of the civil service, the core principles governing it will no longer be set at the discretion of the executive but will be legislated by Parliament - and so this Government has finally responded to the central recommendation of the Northcote-Trevelyan report on the civil service made over 150 years ago in 1854.

The frameworks for granting pardons and for issuing and withdrawing passports should also be set not by Government but by Parliament.

And I propose we reduce the advance sight Government departments have of the release of statistical information from as much as 5 days currently to just 24 hours.

Mr Speaker, even as we reduce the power of the executive, we will also increase its accountability. Following my decision to revoke the provisions which previously allowed Special Advisors to give orders to Civil Servants, I am today publishing a new Ministerial Code which provides for a new independent adviser to supervise disclosure and who I can ask to scrutinise ministerial conduct including conflicts of interest.

I propose we reinforce the accountability of the executive to Parliament and the public with a statement in the summer prior to the Queen's Speech on the provisional forward legislative programme and annual departmental reports debated in Parliament.

But just as the executive must become more accountable to Parliament, Parliament itself must become more accountable.

Given the vote in this House in March for major reform of the House of Lords as a second and revising chamber with provision for democratic election, a statement will be made before the recess as we press ahead with reform; a statement on the reform of local government will propose a new concordat between local and central government; we will fulfil our manifesto commitment to publish our review of the experience of the various voting systems introduced since 1998; and the House will have a full opportunity to discuss in detail and vote upon the legislation that flows from the European Union amending treaty.

Just as we have appointed ministers for each region of England, I propose that to increase the accountability of local and regional decision-making the House consider creating

committees to review the economies and public services of each region - and we will propose a regular question time for regional ministers.

But while we will listen to all proposals to improve our constitution in the light of devolution, we do not accept the proposal for English votes for English laws which would create two classes of MPs - some entitled to vote on all issues, some invited to vote only on some. We will do nothing to put at risk the Union.

The right of all the British people to have their voice heard is fundamental to our democracy and to holding public institutions to account.

Britain is rightly proud to be the pioneer of the modern liberties of the individual. And I think it right to make it a general rule that in this area there is independent oversight of authorities and accountability to Parliament. I also encourage this House to agree a new process for ensuring consideration of petitions from members of the public.

Disengagement is too often reflected in low turnout in elections. Britain is unusual in holding elections on weekdays when people are at work and My Right Honourable Friend the Secretary of State for Justice will announce a consultation on whether there is a case for voting at weekends.

The Government will also bring forward plans to extend the period of time during which parties can use all women short lists for candidate selections and to give more time for all parties in this House to take up this new right if they choose.

And while balancing the need for public order with the right to public dissent, I think it right - in consultation with the metropolitan police, Parliament, the Mayor of London, Westminster city council and civil liberties groups - to change the laws that now restrict the right to demonstrate in Parliament Square.

Mr Speaker these measures I have just announced represent an important step forward in changing the way we are governed. But it is possible to do more to bring government closer to the people.

While our system of representative democracy - local as well as national - is at the heart of our constitution, it can be enhanced by devolving more power directly to the people and I propose we start the debate and consult on empowering citizens and communities in four areas.

First, powers of initiative, extending the right of the British people to intervene with their elected local representatives to ensure action - through a new community right to call for action and new duties on public bodies to involve local people.

Second, new rights for the British people to be consulted through mechanisms such as 'citizens juries' on major decisions affecting their lives.

Third, powers of redress, new rights for the British people to scrutinise and improve the delivery of local services.

And fourth, powers to ballot on spending decisions in areas such as neighbourhood budgets and youth budgets, with decisions on finance made by local people themselves.

At the same time, we must give new life to the very idea of citizenship itself.

All of us in this House would acknowledge there are very specific challenges we must meet on engaging young people and improving citizenship education -- and I hope there will be all-party support for a Commission to review this and make recommendations. And while the voting age has been 18 since 1969, it is right, as part of this debate, to examine, and hear from young people themselves, whether lowering that age would increase participation in the political process. And consultation will take place with you, Mr Speaker - and through the Leader of the House, this House - as to whether the Youth Parliament - and the Youth Parliament alone - should be invited here in this Chamber, once a year and on a non-sitting day.

What constitutes citizens rights - beyond voting - and citizens responsibilities - like jury service - should itself be a matter for public deliberation. And as we focus on the challenges we face and what unites us and integrates our country, our starting point should be to discuss together and then - as other countries do - agree and set down the values, founded in liberty, which define our citizenship and help define our country.

And there is a case that we should go further still than this statement of values to codify either in concordats or in a single document both the duties and rights of citizens and the balance of power between Government, Parliament and the people.

In Britain we have a largely unwritten constitution. To change that would represent a fundamental and historic shift in our constitutional arrangements. So it is right to involve the public in a sustained debate whether there is a case for the United Kingdom developing a full British Bill of Rights and Duties, or for moving towards a written constitution.

And because such fundamental changes should happen only where there is a settled consensus on whether to proceed, I have asked my Right Honourable Friend the Secretary for Justice to lead a dialogue within Parliament and with people across the United Kingdom by holding a series of hearings, starting in the autumn, in all regions and nations of this country --- and he will consult with the other parties on this process.

Mr Speaker, the changes we propose today and the national debate we now begin are founded upon the conviction that the best answer to disengagement from our democracy is to strengthen our democracy.

It is my hope that this dialogue of all parties and the British people will lead to a new consensus, a more effective democracy and a stronger sense of shared national purpose

And I commend this statement to the House.