The Constitution in Review

A Report from the United Kingdom Constitution Monitoring Group

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THE CONSTITUTION SOCIETY

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United Kingdom Constitution Monitoring Group

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The United Kingdom Constitution Monitoring Group (UKCMG), established in 2020, is made up of members with practical experience and academic knowledge of the UK constitution. Its formation was driven in part by concern about declining adherence to constitutional standards and principles in the UK. Those concerns proved to be more than amply justified by events in the years that followed.

Since 2021 the Group has produced biannual reports on constitutional developments in the UK, of which this is our eighth (we also produced, early in 2024, a pre-election overview). We assess trends and occurrences against a set of twenty criteria, taken largely from official accounts of standards, rules and procedures produced by entities such as the UK government. Our focus has been on whether, when these principles are taken into account, unfolding events or initiatives should give us any cause for concern. This report covers a timespan, from 1 January 2025 up to 30 June 2025, that marks the second half of the first year of the Labour government. In it we continue our task of monitoring developments against our criteria.

Members of the group participate in a personal capacity, and not as representatives of any other organisations or institutions with which they are associated.

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Summary

The UKCMG continues to find reason for apprehension regarding adherence to constitutional principles, particularly involving the UK executive and its intersection with other parts of the political system. This is our second report following the July 2024 General Election which produced a Labour government under Sir Keir Starmer as Prime Minister. We have found that, despite some efforts to address problems of a type identified in our previous outputs, some key concerns have persisted, and new issues have emerged. Furthermore, the international climate – which has throughout our existence been unfavourable to democracy and good governance – has failed to improve, and perhaps deteriorated. During the current report period, the second US presidency of Donald Trump in particular has demonstrated the fragility of constitutional systems even in supposedly stable states; and has impacted directly upon the UK. It is important that – in responding to a US President who shows disdain for established norms both based in hard law and in convention – our political leadership responds in a measured way which shows regard for constitutional principles. Moreover, it is viable to consider the robustness of our system not only under its present custodians, but also how well it might withstand the advent of an administration and senior ministers more inclined aggressively to challenge existing standards in a manner similar to Trump.

Integrity in Public Life

Key principles:

Ministers are accountable, individually or collectively, to their legislatures for the exercise of their ministerial responsibilities, and for the activities of the publicly-funded bodies within their remits (see e.g.: Ministerial Code, 2024, paragraph 1.6). Ministers must provide information that is both accurate and truthful to their respective legislatures, and should correct unintended errors they make as soon as possible (see e.g.: Ministerial Code, paragraph 1.3c). Devolved and UK ministers should be as open as they can in their interactions with legislatures and the public. They should withhold information only if to do otherwise would compromise the public interest, as set out in freedom of information legislation and other specific legislation (see e.g.: Ministerial Code, paragraph 1.3d) (principle 3).

Ministers are under an overarching duty to comply with the law…uphold the administration of justice and protect the integrity of public life. They are expected to observe the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. (principle 7).

Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise (principle 9).

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Dissemination of misleading information

1. In our previous report, we noted the difficulties that can arise for the functioning of the political system from the promulgation of misleading information, both by and about politicians. Constitutional processes that can be undermined include elections, the free, fair and meaningful conduct of which can be harmed by the cultivation of misconceptions on the part of voters. Disinformation can inhibit the delivery of policies. It can undermine general public confidence in the system, causing members of the public to engage in activities which may harm themselves and others, and possibly leading them to take part in disorder which challenges the effective operation of the democratic system. Often it targets vulnerable groups and has the potential to threaten their human rights. It can also be used to intimidate holders of – or candidates for – public office. False information – often promoted through channels such as social media – can make UK constitutional processes vulnerable to the actions of hostile groups or states.

2. The spread of false information continued to be a problem in the current report period. The promulgators of questionable assertions include politicians holding public office. For instance, multiple Labour MPs have made dubious claims – in the media and in Parliament – about the number of deportations that have taken place under the Labour government. **It is of particular importance that political leaders do all they can to avoid disseminating misleading information. It is not only irresponsible but myopic, given that the spread of falsehoods is ultimately likely to undermine the democratic institutions and systems they operate within.** As well as being a source of, politicians (and public bodies) can be the target for, questionable or wrong assertions. The many misleading claims being shared online during this period included that the London Mayor, Sir Sadiq Khan, had 'a proposal to build 40,000 new council homes prioritised for Muslims' – based on the misrepresentation of an interview Khan had given.

3. The problems discussed above are driven in part by technological change, including the rise of generative AI and the internet, including social media. We recognise that addressing these issues in a satisfactory way is not easy, as demonstrated by the controversy associated with the *Online Safety Act 2023*, which came into force in March. Criticism of the Act is possible from a number of directions – including that it will not be sufficiently effective, and that it will inhibit rights such as privacy and freedom of expression.

Ministerial resignations and the Ministerial Code

4. We have frequently commented on matters related to allegations of misconduct by ministers, the outcomes of those allegations, and their relationship with the Ministerial Code and the way in which it is drafted, interpreted and enforced. In January, Tulip Siddiq resigned from post as Economic Secretary to the Treasury – with a portfolio that included anti-corruption policy – after various revelations emerged about her financial and family connections. Tulip Siddiq left government after an investigation by the Independent Adviser on Ministerial Standards, Sir Laurie Magnus, advised the Prime Minister that – while she had not violated the Code – it was 'regrettable that she was not more alert to the potential reputational risks – both to her and the government – arising from her close family's association with Bangladesh'. Laurie Magnus suggested to the Prime Minister that 'you will want to consider her ongoing responsibilities in the light of this'. This turn of events shows even if a minister is found to be technically within the rules, their actions can also be judged by the Adviser to be sufficiently problematic that the Prime Minister should review their position – and by implication, consider removing them from office.

Perceived corruption in public life

5. We have noted in previous reports declines in the relative and absolute standing of the UK as measured by the Transparency International Corruption Perceptions Index (TICPI). **These scores are important because they are an indicator of the extent to which constitutional systems are operating in accordance with their governing principles, including proper representation of the public interest, and not being covertly subordinated to sectional and private interests. They also pertain to the international standing in the UK as a state free from corruption.** The latest TICPI, covering 2024, appeared in February 2025. The UK remained static in terms of its overall score (71/100) and international rank, coming in twentieth place, below states including Germany, Canada, and Denmark; and ahead of states including France and Italy. While the position of the UK had not worsened, this followed a period of deterioration which has not been reversed. In 2017, the UK had a score of 82/100 and stood in 8th place internationally. **We hope that the UK government takes seriously the need to improve the standing of the UK in the area of integrity in public life.**

Constitutional Definition and Change Process

Key principle:

It is essential that the constitutional arrangements of the UK are clear and knowable; that they should be, wherever possible, subject to robust and impartial enforcement; and that they should as far as possible command consensus. Constitutional change should take place in a considered fashion and as far as possible on a basis of consensus. The legislative authority of the UK Parliament should be exercised subject to underlying constitutional principles including those outlined in this text (principle 1).

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Cabinet Manual

6. The UK famously lacks a 'codified' or 'written' constitution setting out and entrenching key aspects of the system. We take no stance on the desirability or otherwise of this position. However, this absence heightens the relative significance of official texts such as the *Ministerial Code* and *Civil Service Code*, which fall well short of being full constitutional documents of the sort found in other states, and can lack even a statutory basis. A publication of this sort, ***The Cabinet Manual,*** **dating from 2011, sets out what it describes as 'laws, conventions and rules on the operation of government'. It contains the most official statements of some of the most important features of the UK constitution**, including principles pertaining to the formation of governments. (Our UKCMG principles draw in part upon the Manual.) In this sense it is an essential text. However, some aspects of the document would benefit from clarification or correction, and others have become outdated in the years since 2011; other new content might usefully be included as well. Yet despite repeated commitments from government, a new version of the Manual has yet to be published. **We regard the lack of a second edition of this document as being a significant shortcoming from the perspective of achieving clarity around our system of government, both in its most established and more recent features.** The Manual is more than simply a work of reference, since – though it has no hard legal basis – it has the potential to contribute to the upholding of principles, by making both those taking part in and observing political processes more aware of the rules by which they are supposed to abide. The failure of the government to publish an updated Manual is therefore a problem from the point of view both of wider understanding of the constitution, and of its actual satisfactory operation.

7. On 25 February, Sir Chris Wormald, roughly two months into the role of Cabinet Secretary, gave oral evidence to the House of Commons Public Administration and Constitutional Affairs Committee. His responses when questioned about the Manual were not encouraging, both regarding how far the passing of time has eroded the usefulness of the Manual at the centre of government, and what were the prospects for a second edition being produced. He stated that:

> *as a description of what we thought the relevant precedents were in 2011—is still as useful as it always was, but you have to treat it as a historical document. You would take it as a base and you would ask yourself, "What has happened since that might change those various precedents?"… what the relevant precedents are is, in the end, a matter for elected politicians…You can, of*

course, make a case for its updating…You discussed this with the Chancellor of the Duchy of Lancaster, who I think made it clear that this was not one of the Government's priorities in this field…

8. **The Cabinet Secretary was correct to identify a limitation on the usefulness of the Manual being that it has become in some respects anachronistic. However, it also contains principles – such as governments resting on the confidence of the House of Commons – that are as central to our constitution today as they were in 2011 – but are not included in statute. A document which states such important conventions and other norms should not be allowed to erode in this way. The best way to correct the weaknesses identified by the Cabinet Secretary would be to publish a new edition. Unfortunately, at present this appears not to be a government priority. In any circumstance, this position is undesirable. In a scenario of a future government composed of ministers and a Prime Minister who were indifferent towards maintenance of good constitutional practice, or perhaps actively malign in this area, this lack of firm protections would be even more serious a defect.**

Elections

Key principles:

The UK is a representative democracy. The existence of devolved and UK governments is derived from the broad support of the respective legislatures. The UK House of Commons and the devolved legislatures in turn derive legitimacy from the free and fair election of their members held at intervals of no more (except in the most exceptional of circumstances) than four or five years (principle 2).

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Postponement of elections

9. On 5 February, Angela Rayner, the then-Secretary of State for Housing, Communities and Local Government, announced to the Commons that:

> *Turning to the timings of the local elections in May, for certain areas a significant amount of work is needed to unlock devolution and deliver reorganisation. For this reason, some areas requested to postpone their elections until May 2026. The Government's starting point is for all elections to go ahead unless there is a strong justification for postponement. The bar is high, and rightly so. I am agreeing to only half of the requests that were made. After careful consideration, I have agreed to postpone elections only in places where this is central to our manifesto promise to deliver devolution.*
>
> *We are not in the business of holding elections to bodies that will not exist, and where we do not know what will replace them. This would be an expensive and irresponsible waste of taxpayers' money, and any party calling for those elections to go ahead must explain how this waste would be justifiable. To that end, I have agreed to postpone local elections in East Sussex and West Sussex, in Essex and Thurrock, in Hampshire and the Isle of Wight, and in Norfolk and Suffolk. I have also agreed to a postponement in Surrey, given the urgency of creating sustainable new unitary structures, to unlock devolution for this area. I intend to move to elections to the new shadow unitary councils in all these areas, as is the usual arrangement for local government reorganisation.*
>
> *We are postponing elections for one year, from May 2025 to May 2026. There is a well-established precedent, as the Conservative party knows all too well. North Yorkshire, Cumbria, Somerset, Buckinghamshire and Northamptonshire all had their elections rescheduled by the previous Government. I will table the relevant secondary legislation when parliamentary time allows, and local elections will take place as scheduled in all other areas. I make it clear that all two-tier areas should be making plans to move to simpler structures, regardless of election delays. The invitation will be sent to all two-tier areas, with a timetable taking into account that their election has been delayed.*

10. The Shadow Secretary of State, Kevin Hollinrake, responded that: "we are against the unprecedented mass postponement of local elections for at least one year today. Today is a very worrying day for democracy in this country."

11. In our previous report, we noted that, late in the period, it emerged that intended changes to local government in England might lead to elections being postponed by perhaps up to a year in some areas (while other areas were not being allowed to postpone elections). There were, we noted, conceivable circumstances in which not holding a scheduled election might be defensible – for instance, if it was due to take place only weeks before the given authority was due to be abolished. Nonetheless, **it was concerning that processes that are key to democratic participation at the local level can in effect become subordinated to initiatives from the UK executive. We also note that the postponements will be provided for by statutory instruments, the use of which has been a continual source of concern for the UKCMG.**

Legislatures

Key principles:

The UK is a representative democracy. The existence of devolved and UK governments is derived from the broad support of the respective legislatures (principle 2).

Ministers are accountable, individually or collectively, to their legislatures for the exercise of their ministerial responsibilities, and for the activities of the publicly-funded bodies within their remits… Ministers must provide information that is both accurate and truthful to their respective legislatures, and should correct unintended errors they make as soon as possible…Devolved and UK ministers should be as open as they can in their interactions with legislatures and the public…(principle 3).

Governments should not use their powers to compromise the ability of legislatures autonomously to perform the constitutional functions they carry out on behalf of the public, such as holding the executive to account and making law (principle 4).

At UK level, the House of Commons is rightly acknowledged as in a position of primacy over the House of Lords. But the House of Lords has a legitimate role in parliamentary processes, including scrutiny of primary and delegated legislation, and its special interest and expertise in constitutional matters should be acknowledged (principle 5).

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12. If the executive seeks to see Bills passed at speed, there is a potential threat **to one of the core constitutional functions of Parliament: the autonomous creation of law on behalf of the public. There may be special circumstances in which expedited processes are necessary. But any decision about whether or not to follow such a course should involve a careful weighing of the urgency of the case against the risks of acting at haste. If a decision is taken to proceed, serious efforts should be made to mitigate the possible downsides.**

13. In May, the House of Lords Select Committee on the Constitution raised concerns related to these points in its report on the *Sentencing Guidelines (Pre-Sentence Reports) Bill*. The legislation, it noted, was being fast-tracked. The Committee described the principles it thought should apply decisions about whether to do so (drawing on a report it had issued in 2009). They were:

a. *The need to ensure the maintenance of effective parliamentary scrutiny;*
b. *The need to ensure that the technical quality of legislation is upheld and improved;*
c. *The importance of allowing for stakeholder input;*
d. *The need to ensure that legislation is a proportionate, justified and appropriate response to the matter in hand and that fundamental constitutional rights and principles are not jeopardised;*
e. *The need to maintain a transparent law-making process.*

14. **We endorse these principles, and note that, in the case of the sentencing guidelines Bill, given changed circumstances since the bill was introduced, the Committee did 'not view it necessary for the fast-track procedure to be used for this Bill.'**

15. In the same month that the Committee denied the need for fast-track legislation over sentencing guidelines, it investigated the use of a similar procedure that had been employed for the *Steel Industry (Special Measures) Act 2025*. The Act was passed into law so quickly that the Committee had not had the opportunity to consider it in bill form. But, carrying out retrospective consideration, the Committee concluded that it was 'concerned by the Government's failure to justify the lack of a sunset clause or renewal procedure in the Explanatory Notes to the Bill.' Moreover, it did 'not find the justifications advanced by the Government for a lack of a sunset clause or renewal procedure to be convincing.'

16. **We note that the Cabinet Office *Guide to Making Legislation* refers to fast track legislation, but only in passing, and does not set out specific principles applying to its use. We believe there is a case for making decisions about whether to fast-track legislation subject to more rigorous oversight, perhaps external to the government. The procedure used in the Scottish Parliament, the prior agreement of which is required for an emergency bill, might be a starting point for such a discussion. There are risks in leaving the decisions to the executive alone, which can if it chooses make creative arguments about why legislation at speed is required, even if they are not fully justified by the actual position.**

17. During the report period, legislation to allow for assisted dying in England and Wales was passing through Parliament (a separate bill, introduced by the Liberal Democrat MSP Liam McArthur) is under consideration in Scotland). There was debate regarding not only the substantive subject but also, and significantly from our perspective, the processes used. **We noted in our previous report that this legislation had taken the form of a private member's bill and has been subject to free votes.** Some commentators had raised doubts about whether this approach was the best means of handling this subject, and whether **the government could have done more to prepare the ground for an informed debate and decision in an area of such significance. The use of a Private Member's Bill meant that no white or green paper was published in the subject to inform debate. We now note that, during the present report period, alterations were introduced to the bill in it its Commons committee stage, in particular to its oversight mechanisms, that were both substantial and controversial. There is no single ideal form for legislative exercises in social reforms of this type, but the approach taken to assisted dying has certainly raised some important process-related questions (see: Appendix C).**

Secondary/delegated legislation

18. **We have frequently noted the constitutional challenges posed by the creation and deployment of statutory instruments by successive UK governments.** Such practices can be a problem partly because they potentially entail an inappropriate tilting of the balance of power away from the legislature and towards the executive. Delegated legislation is not subject to the same degree or quality of parliamentary oversight (if it is overseen at all) as primary legislation, creating an accountability gap (Other related issues include negative consequences for the rule of law, through – for instance – reducing the level of clarity in the law and introducing an arbitrary aspect to the law-making process.) On 22 February, the

government published the new edition of the *Guide to Making Legislation*. An addition to the text not contained in the previous version was a 'Delegated Legislation Toolkit' designed 'to help departments decide whether to include a delegated power in a bill.' The issues addressed in the toolkit are:

> *What is the right balance between primary and secondary legislation?*
>
> *What is the proper role for delegated powers?*
>
> *Where will delegated powers not generally be justifiable?*
>
> *In what circumstances may it be appropriate to take powers that enable primary legislation to be amended (so called "Henry VIII powers")?*
>
> *What alternatives should be considered when deciding whether to take a delegated power?*
>
> *What safeguards should be considered when it has been decided to take a* delegated power?

19. Principles that the toolkit advanced were:

> *An Act of Parliament is the way that the most important aspects of policy are translated into law. An Act should contain the main aspects of a policy at an appropriate level of detail to be meaningfully scrutinised by Parliament, and to be understood and applied by those at whom it is aimed.*
>
> *Delegated powers are generally used to give effect to the policy framework in the Act.*
>
> *As a rule of thumb, the more significant a legal change, the stronger the presumption that it should be set out in primary legislation so that it can be debated by Parliament via the bill process, rather than included within the scope of a delegated power…*
>
> *Delegated powers should not generally be taken so as to make provision in future which is central to the effect of the Bill. That detail should normally be included on the face of a bill for scrutiny and debate as part of its passage.*
>
> *For example, delegated powers should only exceptionally be taken to deal with:*
>
> *the creation or extension of generally applicable criminal offences or penalties (and regulatory offences, unless they are to be created by powers containing appropriate safeguards – see section F below);*
>
> *measures effecting significant constitutional change.*
>
> *It is of particular importance that a delegated power which is capable of interfering with human rights is appropriately justified and contains proper safeguards (which may vary according to the nature of the right and the significance of the potential interference).*

> *Delegated powers are unlikely to be appropriate, for example:*
>
> *to legislate for essential aspects of a policy framework which have not been set out in the Act (including 'skeleton clauses' which leave the real substance of the Act to regulations made under it);*
>
> *because there has been insufficient time for proper policy development; or where powers are being included speculatively on a 'just in case' basis…*
>
> *As a general rule, an Act of Parliament should be amended or repealed by another Act. Powers to amend or modify primary legislation by secondary legislation (sometimes called 'Henry VIII' powers) should only be taken where their necessity has been rigorously tested, and appropriate safeguards – or alternatives – fully considered.*

20. **We welcome the introduction of the Toolkit. But we also recognise that whether the text will be associated with improvements in practice with regard to decisions about creating delegated law-making powers remains to be seen. There was evidence, during the present report period, that the necessary change in culture within government had not yet been attained.** For example, in April, in a report on the *Employment Rights Bill*, the House of Lords Select Committee on the Constitution raised a variety of concerns about the legislation, including the approach it took towards the creation of delegated powers. The Committee cautioned that the 'volume of…delegated powers' envisaged within the Bill allowed for 'the possibility for significant influence over the policy implemented under the Bill, which would be affected without the parliamentary scrutiny which primary legislation would receive. This inhibits proper scrutiny of the policies proposed in the Bill. Therefore, in our view, this represents an inappropriate delegation of powers.' The Committee noted that among 'a significant number of delegated powers' there were '12 provisions identified as Henry VIII clauses.' It objected to two sets of Henry VIII powers in particular, which were introduced to allow for the implementation of consultations (on dismissal during pregnancy and dismissal following a period of parental leave) that were ongoing. Describing the provisions as 'effectively…placeholders while the Government consults further', the report insisted 'that the use of Henry VIII powers to accommodate intended consultation leaves a constitutionally inappropriate degree of uncertainty.' The Committee also opposed the inclusion in the Bill of provision to create criminal offences by statutory instrument, restating its already asserted 'view that criminal offences ought to be the product of primary, and not secondary, legislation'.

21. **We welcome the ongoing efforts of the Constitution Committee to assess the appropriateness of proposals for the creation of secondary legislation. In future, as well as applying its own standards, it could also hold the government to account against its own statements of principle, as contained in the Toolkit.**

Media briefing by the government

22. We have repeatedly drawn attention to the tendency – associated with successive governments – of briefing journalists about policy initiatives before announcing them in Parliament (when it is sitting). This practice serves to detract from the constitutional role of Parliament as the primary medium for the democratic accountability of the UK government. It continued in the present report period. In June, for example, the Speaker of the House of Commons, Sir Lindsay Hoyle, raised serious concerns

about the government giving journalists (and others) access to the Strategic Defence Review before parliamentarians. Sir Lindsay also regretted that he lacked the powers necessary to impose better behaviour on the government. The House of Commons Public Administration and Constitutional Affairs Committee subsequently initiated an inquiry into the subject.

Ministers and the Civil Service

Key principles:

It is essential that the constitutional arrangements of the UK are clear and knowable; that they should be, wherever possible, subject to robust and impartial enforcement (principle 1).

Ministers are accountable, individually or collectively, to their legislatures for the exercise of their ministerial responsibilities, and for the activities of the publicly-funded bodies within their remits (principle 3).

Civil servants are accountable to ministers, who in turn are accountable to Parliament [Civil Service Code, 2015]. There are limited exceptions to this general principle, including the role of specific officials (Accounting Officers or, in Scotland, Accountable Officers), who at UK level are personally responsible to the House of Commons Committee of Public Accounts for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources [Ministerial Code, paragraph 5.3]. Similar exceptions apply at devolved level, with officials accountable for financial management to devolved legislatures (principle 6).

Ministers…are expected to observe the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership (principle 7).

Civil servants, with the exceptions of 'special advisers' and certain others, must be recruited on merit on the basis of fair and open competition. They should be promoted on merit usually following a competitive process. They must be required to carry out their duties with integrity and honesty, and objectivity and impartiality. They must serve the government to the best of their ability in a way which maintains political impartiality, and act in a way that deserves and retains the confidence of ministers in the government of the day, while ensuring they will be able to establish the same relationship with those they may be required to serve in a future government (principle 10).

[UK] Ministers must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the Civil Service Code and the requirements of the Constitutional Reform and Governance Act 2010 [Ministerial Code, paragraph 5.1j]. [UK] Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice in reaching policy decisions, and should have regard to the Principles of Scientific Advice to Government [Ministerial Code, paragraph 5.2]. These principles extend to devolved ministers also (principle 11).

Executive oversight of the constitution

23. In January, the House of Lords Select Committee on the Constitution produced a report arising from its inquiry into oversight of the constitution by the UK executive. It noted that the Prime Minister held **'**ultimate responsibility within government for safeguarding the constitution' with support from office-holders 'including…the Cabinet Secretary, the Law Officers and the Lord Chancellor.' The Cabinet Secretary was 'the focal point for civil service advice around the constitution.' The Committee found that the significance of the 'role…requires appropriate official support and should be set out as part of the Cabinet Secretary's official responsibilities.' It held that the Propriety and Constitution Group, which sits within the Cabinet Office, should continue 'as a permanent function in the Cabinet Office to enable expertise to be built up with minimal disruption.' In order to avoid 'the potential impact of future machinery of government changes' the Committee recommended 'that constitutional precedent should be consistently recorded within government by the civil service to strengthen institutional memory and improve the quality of advice to ministers and the Cabinet Secretary around these issues.' **The updating of the Cabinet Manual, which we advocate elsewhere in this report, could assist in achieving this objective, in a published format that could also assist public awareness of the constitution.**

24. Moving on to 'other ministers', the Committee observed that the Lord Chancellor had **'**a statutory responsibility to defend the rule of law and the independence of the judiciary—key constitutional principles.' Furthermore, the Law Officers were 'the definitive source of advice on legality for the Prime Minister in discharging their responsibility for the constitution.' For this reason, the Committee repeated its previous recommendation that the Attorney General should 'place their duty to the rule of law above party political considerations', with their oath of office being changed 'to reflect the primacy of their duty to the rule of law.' The Committee also recommended 'that there should be a senior minister responsible for advising the Prime Minister on discharging' their responsibility for 'safeguarding the constitution.' This minister, who could perhaps be 'the Lord Chancellor', would need to 'be a senior and authoritative figure, whose advice on constitutional matters cannot be lightly disregarded.'

25. The Committee called for 'constitutional considerations' to 'be more firmly embedded in the policy and decision-making process'. One means of helping to achieve this change could be 'by requiring officials to formally record constitutional considerations in the form that is used for write-rounds.' The Committee stressed that it was 'important that ministers, particularly the Prime Minister, understand their constitutional responsibilities and take them seriously. Otherwise, there is a risk of the erosion of constitutional norms.' With such risks in mind, it recommended that the government consider the possibility of placing 'the role of the advisory bodies, such as the House of Lords Appointment Commission' in 'statute.'

26. **We agree with the establishment of more stable and rational structures at the centre of government that might help facilitate a more appropriate approach to constitutional matters. We note that any changes they might bring about will partly be conditioned by the willingness of those who operate the mechanisms to support core values, and their willingness to recognise the standing of other institutions such as Parliament, the devolved bodies, and the judiciary. The analysis of the Lords Constitution Committee also confirms the importance of the Prime Minister to the operation of the UK constitution, and its vulnerability in circumstances in which the individual who holds that office is not committed to good practice.**

The Territorial Constitution

Key principles:

The devolved institutions of Wales and Scotland are 'permanent' parts of the United Kingdom constitution…The devolved institutions of Northern Ireland are also constitutional fixtures; subject to the proviso that Northern Ireland can, after approval via a referendum, leave the UK (once the UK Parliament has legislated to this effect) and join the Republic of Ireland. The UK government has previously conceded the principle that Scotland could become independent from the UK subject to a referendum (principle 13).

The devolved institutions have the right to legislative and executive autonomy in their respective spheres of operation. [T]he UK government will proceed in accordance with the convention that the UK Parliament would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature…The devolved institutions have a proper interest in decisions taken at UK level that impact upon them, and over international agreements entered into by the UK when their implementation would fall within devolved competence (principle 15).

Appropriate structures, regulations and practices should exist to ensure that the principles…above are fully realised. They should allow in particular for liaison, coordination and genuine co-decision-making between devolved and UK executives; and between devolved and UK legislatures (principle 16).

The Council of the Nations and Regions

27. In previous reports we have identified problems in the operation of the territorial constitution. They have included the undermining of the Sewel Convention to the point that it no longer seems viable; and difficulties in the meaningful conduct of intergovernmental relations. Northern Ireland suffered in particular from behaviour detrimental to the peace process on the part of the UK government (in the context of the negotiation and implementation of Brexit), and the prolonged breakdown of the power-sharing executive.

28. As noted in our previous report, the 2024 Labour manifesto made a variety of pledges relevant to UK territorial governance and addressing some of these concerns. They included that:

> *As recommended in the Report of the Commission on the UK's future [Brown Commission], we will establish a new Council of the Nations and Regions. This will bring together the Prime Minister, the First Ministers of Scotland and Wales, the First and deputy First Minister of Northern Ireland, and the Mayors of Combined Authorities.*
>
> *The next Labour government will also ensure that UK-wide bodies are more representative of our nations and regions. UK trade negotiators will work with devolved governments to promote our fantastic businesses and services internationally. Labour will restore decision-making over the allocation of structural funds to the representatives of Scotland, Wales, and Northern Ireland.*

29. The Prime Minister chaired the first meeting of the newly-formed Council of Nations and Regions in October 2024 and again in May 2025. The Council met alongside separate meetings of the Prime Minister and Heads of Devolved Council and the (also newly-formed) Mayoral Council. **We welcome the Prime Minister's re-engagement with the machinery of intergovernmental relations, as part of a broader "reset" of territorial relations, but it is unclear what the new body will add to the existing structures for cooperation between the UK and devolved governments**: the Interministerial Councils and Prime Minister and Heads of Devolved Government Council set up following the Review of Intergovernmental Relations in March 2022, and the British-Irish Council. We also note that previous intergovernmental forums have had a tendency to fall into abeyance. As the House of Lords Select Committee on the Constitution said in its report on the UK executive and the constitution published in January:

> *The Council requires serious and sustained engagement by the UK Government and the other parties involved to ensure that it is able to deliver the positive and effective engagement across the UK that is intended.*

30. However, whereas the British-Irish Council has an underpinning in the Belfast/Good Friday Agreement, and the Review of Intergovernmental Relations was conducted jointly between the UK and devolved governments, the Council of the Nations and Regions was a unilateral initiative of the Labour Government. It also has none of the formal structures accompanying the other mechanisms, such as independent secretariats and – in the case of the Interministerial Councils – dispute resolution machinery. We note, for example, that no official communiqué was issued following the Council's meeting in May. This is significant departure from the Brown Commission's recommendation, which was for the Council of the Nations and Regions to *replace* the existing intergovernmental machinery, and to have a basis in statute.

31. The House of Lords Constitution Committee recommended that the

> *Government should set out who within the UK Government is responsible for the Council of the Nations and Regions. Transparency and clarity of ownership is important even if responsibility is dispersed.*

The Committee also recommended that the government

> *set out, as soon as possible, how it expects the Council to improve upon earlier and existing intergovernmental structures and deliver positive and effective engagement across the UK and how it intends to measure its success.*

The government, the Committee went on,

> *should also explain how it will ensure that those areas of England not currently represented on the Council do not suffer a deficit of opportunity and provide for their interests to be represented.*

32. **We agree that greater clarity is required in the aims and operation of the Council. It must also be accompanied by a genuine willingness on the part of all involved to make a success of the enterprise as a means of meaningful collaboration.**

Legislative consent

33. **In previous reports, we have noted serious difficulties undermining the effectiveness of the Sewel Convention and its equivalents,** which stipulates that the UK Parliament will normally only legislative for devolved matters with the express consent of the devolved legislatures involved (the Convention is also referred to in Acts of Parliament as it applies to Wales and Scotland, though this statutory provision seems not to be justiciable). In recent years, a tendency has developed for the UK Parliament increasingly to pass Acts notwithstanding the withholding of consent at devolved level, thereby calling into question the viability of the Convention. **We note that the Product Metrology and Regulation Act 2025 had received approval from the three devolved legislatures in June. However, while the 2024 Labour General Election manifesto committed to publishing a memorandum of understanding that would strengthen the Convention, it has yet to appear.**

34. **During the report period, a review of the UK Internal Market Act 2020 took place. The UK government response appeared in July, after the end of the period, and will be discussed in our next report.**

Judiciary and the Rule of Law

Key principles:

Ministers are under an overarching duty to comply with the law, including international law and treaty obligations, uphold the administration of justice and protect the integrity of public life (principle 7).

Ministerial powers should normally be specified in primary rather than secondary legislation. Such powers are subject to limits and constraints; they should be exercised…only for the purposes authorised by the relevant legislation, and in accordance with established norms and reasonable expectation. The exercise of ministerial powers should only exceptionally be immune from challenge in the courts (principle 8).

The judiciary is independent of both the government of the day and Parliament…Civil servants, ministers and, in particular, the Lord Chancellor are under a duty to uphold the continued independence of the judiciary, and must not seek to influence particular judicial decisions (principle 17).

The courts scrutinise the manner in which ministers' powers are exercised. The main route is through the mechanism of judicial review, which enables the actions of a minister to be challenged on the basis that he or she did not have the power to act in such a way (including on human rights grounds); that the action was unreasonable; or that the power was exercised in a procedurally unfair way [Cabinet Manual, paragraph 3.39]. The devolution statutes impose additional constraints on the competence of devolved ministers (principle 18).

The activities described in 17 and 18 must be recognised as central to the maintenance of the rule of law. All institutions and office holders dealt with in these principles are required to promote the rule of law. It encompasses concepts including the law being clear and possible to know; access to the law; equality before the law; governors and governed alike being subject to the law; impartiality in the application of the law; adherence to international law; and the protection of human rights (principle 19).

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35. **Providing justice promptly is a crucial component of the rule of law; the importance of avoiding delay was recognised at least as long ago as 1215, when *Magna Carta* was first agreed. Backlogs in the caseload of the courts and tribunals system are therefore a considerable source of anxiety. They are a longer-term problem which – during the present report period – intensified. For example, Ministry of Justice data published in June revealed that the Crown Court backload had increased by 11 per cent between March 2024 and March 2025, rising from 69,021 to 76,957, with 18,093 of its cases outstanding for at least twelve months. Over the same period, the backlog for the magistrates' courts had increased from 273,498 to 310,304, an expansion of 13 per cent. Furthermore, also between March 2024 and March 2025, the case backlog in employment tribunal cases rose by nearly a quarter to 52,000.**

Concerns about legislation

36. The contents of the Employment Rights Bill caused concerns regarding the rule of law and human rights. The House of Lords Select Committee on the Constitution raised a number of issues of this nature in its April report on the legislation. It was concerned, as noted above, about its allowing for the use of secondary – rather than primary – legislation to create criminal offences. The Committee also drew attention to the extensive enforcement powers provided for in the Bill, which provided for the appointment of 'enforcement officers' with a variety of authorities, among which were entering premises and obtaining documentation. The Committee called on the government to 'set out what appropriate safeguards it will put in place for the exercise of potentially wide-ranging enforcement powers under this Bill.'

37. The Bill has implications for the operation of the tribunal system, which is intended to be a means of enforcing the employment rights which it expands upon or creates. However, given that there is already a substantial backlog in employment tribunal cases, the Committee was concerned about the negative consequences of the changes for the efficient operation of the tribunal system, and on access to justice, a key aspect of the rule of law.

38. Further concerns in these areas arose in relation to the *Sentencing Guidelines (Pre-Sentence Reports) Bill*, on which the House of Lords Select Committee on the Constitution reported in May. Clarity is a vital feature of the rule of law, and the Committee found that the Bill as drafted used at term – 'personal characteristics' – that was not defined to a satisfactory extent. The Committee also wanted the Bill to make clear whether it was intended to have retrospective effects on already operational sentencing guidelines.

Terrorism powers

39. The need to protect society against terrorism is held to provide a possible justification for limitations on rights, such as freedom of association and freedom of expression, in ways that would not normally be acceptable in a democracy. To this end, the Terrorism Act 2000 provides for the proscription of terrorist groups. As noted in our previous reports, the nature of the terrorist threat is prone to changing over time, presenting the authorities with difficult decisions about how to respond in an appropriate way. The primary concern is how best to balance rights such as the right to life, and the need to protect the public and those who govern on their behalf from coercion, against the need to maintain other freedoms. The proscription of the group Palestine Action in June (currently subject to significant protests and a legal challenge) led some observers to conclude that the wrong judgement had been made.

40. When introducing the draft proscription order to Parliament on 23 June, the then-Home Secretary, Yvette Cooper, presenting the government case for the proscription, argued that:

> *Since its inception in 2020, Palestine Action has orchestrated a nationwide campaign of direct criminal action against businesses and institutions, including key national infrastructure and defence firms that provide services and supplies to support Ukraine, NATO, Five Eyes allies and the UK defence enterprise. Its activity has increased in frequency and severity since the start of 2024 and its methods have become more aggressive, with its members demonstrating*

> *a willingness to use violence. Palestine Action has also broadened its targets from the defence industry to include financial firms, charities, universities and Government buildings. Its activities meet the threshold set out in the statutory tests established under the Terrorism Act 2000. This has been assessed through a robust, evidence-based process, by a wide range of experts from across Government, the police and the security services.*

41. A legal challenge to the proscription is ongoing, and we await the outcome of this process. We note that the police were left with a significant degree of discretion regarding their role in implementing this measure. Given the sensitivities involved and the controversial nature of the proscription, this placed those responsible for law enforcement in a difficult position, which clearer guidance from ministers might have helped avoid.

Appendix A: UK Constitution Monitoring Group Statement of Principles

The list of items that follows is neither exhaustive nor final. It is potentially subject to subsequent refinement, expansion, or addition. Where appropriate, we have drawn directly on the texts of laws and official documents in the public domain (using italics). In other instances, we have used our own words (unitalicised). Sources are indicated. We recognise that these principles can be applied in a variety of different ways. Some of them could legitimately change; but any such alterations should be carried out in accordance with item 1 of the list. As a whole they are intended to provide significant reference points against which to assess key developments significant to the UK constitution.

Nature of UK constitution, and constitutional change

1. It is essential that the constitutional arrangements of the UK are clear and knowable; that they should be, wherever possible, subject to robust and impartial enforcement; and that they should as far as possible command consensus. Constitutional change should take place in a considered fashion and as far as possible on a basis of consensus. The legislative authority of the UK Parliament should be exercised subject to underlying constitutional principles including those outlined in this text.

Representative democracy

2. The UK is a representative democracy. The existence of devolved and UK governments is derived from the broad support of the respective legislatures (see e.g.: *Cabinet Manual*, 2011, paragraph 2). The UK House of Commons and the devolved legislatures in turn derive legitimacy from the free and fair election of their members held at intervals of no more (except in the most exceptional of circumstances) than four or five years.

Governments and their accountability to legislatures

3. Ministers are accountable, individually or collectively, to their legislatures for the exercise of their ministerial responsibilities, and for the activities of the publicly-funded bodies within their remits (see e.g.: Ministerial Code, 2019, paragraph 1.3b). Ministers must provide information that is both accurate and truthful to their respective legislatures, and should correct unintended errors they make as soon as possible (see e.g.: Ministerial Code, paragraph 1.3c). Devolved and UK ministers should be as open as they can in their interactions with legislatures and the public. They should withhold information only if to do otherwise would compromise the public interest, as set out in freedom of information legislation and other specific legislation (see e.g.: Ministerial Code, paragraph 1.3d).

4. Governments should not use their powers to compromise the ability of legislatures autonomously to perform the constitutional functions they carry out on behalf of the public, such as holding the executive to account and making law.

5. At UK level, the House of Commons is rightly acknowledged as in a position of primacy over the House of Lords. But the House of Lords has a legitimate role in parliamentary processes, including scrutiny of primary and delegated legislation, and its special interest and expertise in constitutional matters should be acknowledged.

6. Ci*vil servants are accountable to ministers, who in turn are accountable to Parliament* [*Civil Service Code*, 2015]. There are limited exceptions to this general principle, including the role of specific officials (Accounting Officers or, in Scotland, Accountable Officers), who at UK level are personally responsible to the House of Commons Committee of Public Accounts *for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources* [*Ministerial Code*, paragraph 5.3]. Similar exceptions apply at devolved level, with officials accountable for financial management to devolved legislatures.

Legal powers and obligations of ministers

7. *Ministers are under an overarching duty to comply with the law, including international law and treaty obligations, uphold the administration of justice and protect the integrity of public life. They are expected to observe the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.* (*Cabinet Manual,* paragraph 3.46. For the *Seven Principles of Public Life* see below).

8. UK and devolved ministers' powers are derived from legislation; ministers may also exercise powers derived from the common law, including prerogative powers of the Crown. Ministerial powers should normally be specified in primary rather than secondary legislation. Such powers are subject to limits and constraints; they should be exercised, and public expenditure approved, only for the purposes authorised by the relevant legislation, and in accordance with established norms and reasonable expectation. The exercise of ministerial powers should only exceptionally be immune from challenge in the courts (see e.g.: *Cabinet Manual,* paragraph 3.24).

9. [UK] *Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise* [*Ministerial Code* paragraph 7.1]. *Ministers must not use government resources for Party political purposes* [*Ministerial Code*, paragraph 1.3i]. These principles extend to devolved ministers also, and all holders of public office.

Civil Service

10. Civil servants, with the exceptions of 'special advisers' and certain others, must be *recruited on merit on the basis of fair and open competition.* They should be promoted on merit usually following a competitive process. They must be required to *carry out their duties with integrity and honesty, and objectivity and impartiality.* They must serve the government to the best of their ability in a way which maintains political impartiality, and act in a way that deserves and retains the confidence of ministers in the government of the day, while ensuring they will be able to establish the same relationship with those they may be required to serve in a future government (see: *Constitutional Reform and Governance Act 2010,* Part 1 for the UK, Scottish and Welsh governments; *Civil Service Codes;* and similar provisions for the Northern Ireland Civil Service).

11. [UK] *Ministers must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the Civil Service Code and the requirements of the Constitutional Reform and Governance Act 2010* [*Ministerial Code*, paragraph 5.1j]. [UK] *Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice in reaching policy decisions, and should have regard to the Principles of Scientific Advice to Government* [*Ministerial Code*, paragraph 5.2]. These principles extend to devolved ministers also.

12. 'Special advisers' to ministers are temporary civil servants who are not required to be recruited on merit through competition or to carry out their duties with objectivity and impartiality. They are an accepted part of government but should act in accordance with prescribed limitations (see: *Constitutional reform and Governance Act 2010, part 1; Special Advisers Codes, and similar provisions in Northern Ireland*).

Devolution and the Union

13. The devolved institutions of Wales and Scotland are 'permanent' parts of the United Kingdom constitution (see: *Scotland Act 2016*, section 1; *Wales Act 2017,* section 1). The devolved institutions of Northern Ireland are also constitutional fixtures; subject to the proviso that Northern Ireland can, after approval via a referendum, leave the UK (once the UK Parliament has legislated to this effect) and join the Republic of Ireland. The UK government has previously conceded the principle that Scotland could become independent from the UK subject to a referendum.

14. In those spheres of operation which have been devolved in Wales, Scotland and Northern Ireland, or those devolved in Scotland and Northern Ireland but not in Wales, responsibility for those functions in relation to England or England and Wales are exercised by 'UK government' ministers answerable to the UK Parliament.

15. The devolved institutions have the right to legislative and executive autonomy in their respective spheres of operation. [T]*he UK Government will proceed in accordance with the convention that the UK Parliament would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature.* (*Memorandum of Understanding,* 2013, paragraph 14. See also: *Scotland Act 2016*, section 2; *Wales Act 2017*, section 2). The devolved institutions have a proper interest in decisions taken at UK level that impact upon them, and over international agreements entered into by the UK when their implementation would fall within devolved competence.

16. Appropriate structures, regulations and practices should exist to ensure that the principles set out in items 13 and 15 above are fully realised. They should allow in particular for liaison, coordination and genuine co-decision-making between devolved and UK executives; and between devolved and UK legislatures.

The judiciary and the rule of law

17. *The judiciary interprets and applies the law; and develops the common law in its decisions. It is a long-established constitutional principle that the judiciary is independent of both the government of the day and Parliament so as to ensure the even-handed administration of justice. Civil servants, ministers and, in particular, the Lord Chancellor are under a duty to uphold the continued independence of the judiciary, and must not seek to influence particular judicial decisions.* (*Cabinet Manual*, paragraph 16. See also: *Justice (Northern Ireland) Act 2002*, section 1; *Constitutional Reform Act 2005,* part 2; *Judiciary and Courts (Scotland) Act 2008*).

18. *The courts scrutinise the manner in which ministers' powers are exercised. The main route is through the mechanism of judicial review, which enables the actions of a minister to be challenged on the basis that he or she did not have the power to act in such a way (including on human rights grounds); that*

the action was unreasonable; or that the power was exercised in a procedurally unfair way [*Cabinet Manual*, paragraph 3.39]. *The devolution statutes impose additional constraints on the competence of devolved ministers.*

19. The activities described in 17 and 18 must be recognised as central to the maintenance of the rule of law. All institutions and office holders dealt with in these principles are required to promote the rule of law. It encompasses concepts including the law being clear and possible to know; access to the law; equality before the law; governors and governed alike being subject to the law; impartiality in the application of the law; adherence to international law; and the protection of human rights.

Constitutional monarchy

20. The monarchy should not be drawn into party political controversy. The powers formally attached to the monarchy should not be deployed in ways that undermine the principles outlined in this text.

The Seven Principles of Public Life (1995)

In addition, those working in the public sector are expected to adhere to a set of ethical standards set out by Lord Nolan in the first report of the Committee on Standards in Public Life (1995). They are included in a range of Codes of Conduct across public life.

1.1 Selflessness

Holders of public office should act solely in terms of the public interest.

1.2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

1.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

1.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

1.5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

1.6 Honesty

Holders of public office should be truthful.

1.7 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B: Timeline of Events

January

1 January: As a consequence of the adjustment to the Protocol on Ireland/Northern Ireland made by the Windsor Framework (2023), the approval and licensing of human medicines returns to being on a UK-wide basis, with medicines using the same packaging and labelling across the UK including Northern Ireland
6 January: Treasury minister Tulip Siddiq MP refers herself to the Independent Adviser on Ministers' Interests over her financial affairs and familial links to Bangladeshi politics
7 January: The Bangladesh Financial Intelligence Unit requests details of Tulip Siddiq's financial affairs from UK banks
9 January: It is announced the independent review of post-Brexit trading arrangements commissioned by the UK Government is to be led by former Northern Ireland Secretary Paul Murphy
14 January: Tulip Siddiq MP resigns as Treasury minister over anti-corruption investigation in Bangladesh
20 January: Secretary of State for Northern Ireland, Hilary Benn, writes to the Speaker of the Northern Ireland Assembly in response to the attempt by MLAs on 20 December 2024 to pull the 'Stormont Brake', advising him that the government's view is that the requirements to do so had not been met (see Appendix d)
21 January: Scottish Health Secretary Neil Gray MSP apologises for misleading Holyrood over meetings he attended while at football matches
23 January: The Senedd Standards of Conduct Committee release proposals which suggest Members of the Senedd who break behaviour rules could face public recall referenda
23 January: The Prime Minister announces plans to reduce the number of opportunities to seek permission for judicial review of planning decisions over major infrastructure projects in England and Wales
23 January: The UK Government opens a consultation to review the UK Internal Market Act
28 January: Home Office minister Dan Jarvis MP confirms the government has no plans to expand its definition of extremism

February

3 February: The Prime Minister denies that he broke Covid lockdown rules while using a vocal coach ahead of a press conference in 2020
5 February: County Council elections which were due to be held in May are to be postponed for a year
5 February: It is announced that the police will take no action on reports of the Prime Minister allegedly breaking lockdown rules while using a vocal coach in 2020
5 February: Criticism is raised at Prime Minister's Questions over the plan to transfer sovereignty of the Chagos Islands to Mauritius
6 February: The government announces rules that senior civil servants may be rewarded or disciplined, including up to dismissal, based on their ability to save money within their departments
8 February: Health minister Andrew Gwynne MP is dismissed by the Prime Minister after a variety of abusive and offensive WhatsApp messages sent by the MP are published in the Mail on Sunday
10 February: Oliver Ryan MP is suspended from the Labour Party alongside Andrew Gwynne MP as a result of messages he sent in the same WhatsApp group

10 February: Kim Leadbeater MP defends changes to the Assisted Dying Bill which allow experts rather than judges to authorise cases
11 February: The inquest into the killings of Kevin Barry O'Donnell, Sean O'Farrell, Peter Clancy and Patrick Vincent by the SAS in 1992 finds the use of lethal force was not justified
11 February: After initially resisting commenting, the UK government confirms the Welsh government has asked for authority over the Crown Estate in Wales to be devolved
11 February: The Labour Party suspends an additional 11 councillors for messages they sent as part of the same WhatsApp group of which Andrew Gwynne MP and Oliver Ryan MP were part
14 February: Chancellor of the Exchequer Rachel Reeves MP is accused of misleading her former employer Halifax Bank of Scotland over expenses while she was working there. It is revealed she was subject to complaint over her conduct there
14 February: The government removes the position of the Independent Adviser on Political Violence
19 February: A civil servant based at the Foreign Office wins an unfair dismissal case over whistleblowing allegations relating to the UK evacuation from Afghanistan
20 February: The government opens a consultation on combining local government in Norfolk and Suffolk into a single mayoral-led authority
20 February: Reform UK's ownership shifts to a newly registered business, Reform 2025 Ltd. Nigel Farage MP and party chairman Zia Yusuf are listed as directors, with no persons with significant control
21 February: The commissioner for standards opens an investigation into the conduct of Andrew Gwynne MP
24 February: Mike Amesbury MP is sentenced to 10 weeks in jail as a result of an assault he committed in 2024
24 February: The UK government confirms it will not devolve control over the Crown Estate to the Welsh government
24 February: Leader of the Opposition Kemi Badenoch MP announces in a speech that if the ECHR continues to prevent government acting in the national interest, then the UK should leave the Convention
26 February: The Foreign Secretary David Lammy MP confirms that sovereignty of the Chagos Islands will not be transferred from the UK to Mauritius unless the deal has the support of the United States
27 February: The Northern Ireland Executive agrees its programme for government (2024-2027). Although its release was delayed by some disagreement within the four-party coalition, its publication was an achievement in and of itself given that the Northern Ireland Assembly had not finalised and endorsed a programme for government since 2012
28 February: The International Development Minister Anneliese Dodds MP resigns over cuts to the aid budget

March

1 March: Independent MPs call for a review of the allocation of select committee positions, calling the current system 'undemocratic'
5 March: Former ambassadors to the United States raise concerns about intelligence sharing with the present Trump administration
6 March: Inaugural annual UK-Ireland Summit at which several commitments were made for deeper cooperation, guided by a UK-Ireland 2030 Steering Group led by the UK Cabinet Office and Department of the Taoiseach.
10 March: Mike Amesbury MP announces he will resign as an MP following his conviction and sentencing for assault

11 March: The Metropolitan Police announce an investigation in Rupert Lowe MP over allegations he made verbal threats to an employee
13 March: The Prime Minister announces the abolition of NHS England alongside a range of reforms to promote a more "active government", he criticises quangos and other arms-length bodies
13 March: The Sentencing Council announces it will reconsider new guidelines requiring judges to consider offender's backgrounds after criticism from the Justice Secretary Shabana Mahmood MP
14 March: Former Reform UK Wales leader will face trial after being accused of conspiracy to commit bribery related to statements he made in the European Parliament as an MEP
17 March: The number of asylum seekers waiting for an appeal reaches almost 42,000
17 March: Michael Matheson MSP confirms he will stand down from Holyrood at the next election following a significant ban from the Parliament over breaking expenses rules
17 March: Ofcom drops all remain impartiality investigations into politicians' hosting of TV and radio programmes
17 March: The Government announces it will deactivate thousands of civil servants' work credit cards to curb excessive and inefficient expenditure
18 March: Welsh Labour decide against proposals for witnesses to testify under oath during the inquiry into Wales' handling of the Covid crisis
18 March: Shadow Foreign Secretary David Lammy MP acknowledges that recent remarks he made on Israel's actions in Gaza lacked clarity, particularly regarding possible breaches of international law
18 March: The Scottish Parliament's Finance Committee will investigate whether public inquiries are financially sustainable
19 March: Tulip Siddiq MP accuses Bangladeshi authorities of an "unjustified and targeted" campaign against her
20 March: Police Scotland confirm that Nicola Sturgeon MSP is no longer under investigation over financial irregularities within the Scottish National Party
22 March: The Government announces ongoing international discussions about the potential deportation of unsuccessful asylum applicants to Balkan nations
23 March: Chancellor Rachel Reeves defends her acceptance of complimentary tickets to a Sabrina Carpenter concert, promising to include the gift in her official register of interests at the appropriate juncture
27 March: Following criticism, Chancellor Rachel Reeves pledges not to accept any additional free concert tickets
28 March: The Government suggests it could overrule Sentencing Council over its new guidelines
30 March: The Government confirms it will introduce new legislation to Parliament to alter Sentencing Council guidelines on offenders from ethnic minorities
31 March: The Sentencing Council announces it will delay implementing new guidelines on offenders from ethnic minorities

April

1 April: It is reported that former Secretary of State for Scotland Alistair Jack will be appointed to the House of Lords, despite admitting to having wagered on the timing of the 2024 general election
1 April: Justice Secretary Shabana Mahmood MP announces a review of the role of the Sentencing Council
1 April: The government confirms it is in the final stages of negotiations with Mauritius in the transfer of sovereignty of the Chagos Islands

2 April: The Electoral Commission begins an inquiry into Labour's campaign expenditure on Angela Rayner MP's general election tour bus
5 April: It is estimated that job cuts of 20,000 to 30,000 will follow the abolition of NHS England
8 April: The next vote on the Terminally Ill Adults (End of Life) Bill is postponed by three weeks to allow MPs further time to evaluate proposed changes
12 April: The Steel Industry (Special Measures) Act 2025 passes through parliament
14 April: The Gambling Commission charges 15 individuals including former Conservative MP Craig Williams in connection with alleged betting misconduct relating to the general election date
16 April: The Supreme Court rules that the terms "woman" and "sex" within the Equality Act refer solely to biological sex
20 April: First Minister John Swinney MSP defends excluding Reform UK from a multi-party summit on the rise of far-right extremism
22 April: Russell George MS announces he is withdrawing as a Conservative candidate ahead of the May 2026 Senedd elections after charges against him are made relating to election date betting
24 April: Secretary of State for Northern Ireland, Hilary Benn, writes to the Speaker of the Northern Ireland Assembly to inform him that four more EU acts will be added to the Windsor Framework (see Appendix d)
28 April: Home Office minister Jess Phillips MP announces there will likely be additional local inquiries into grooming gangs
28 April: The government announces that individuals convicted of sexual offences will no longer be eligible to remain in the UK as asylum seekers under new measures it will introduce
29 April: The UK-EU Joint Committee meet and agree, in three decisions, to add four new acts to apply in Northern Ireland under Annex 2 of the Windsor Framework
30 April: The Parliamentary Commissioner for Standards is to investigate Chancellor Rachel Reeves MP after she allegedly failed to declare complimentary theatre tickets within the required timeframe

May

1 May: Reform UK gain 677 seats in the English local government elections
1 May: Under the Windsor Framework, new customs rules for the movement of business-to-business parcels from Great Britain to Northern Ireland come into force
7 May: The government announces plans to make it illegal to climb the statue of Winston Churchill in Parliament Square
8 May: Plaid Cymru leader Rhun ap Iorwerth MS announces Plaid will not seek a referendum on Welsh independence in its first term should it be elected to government in 2026
13 May: The Assisted Dying for Terminally Ill Adults (Scotland) Bill passes its first vote in the Scottish Parliament
13 May: The Speaker of the House Sir Lindsay Hoyle MP makes a statement criticising the government for making policy announcements outside of Parliament in breach of the Ministerial Code
14 May: Patrick Spencer MP is charged with two counts of sexual assault
14 May: The government announces its intention to move 12,000 civil service roles outside of London
14 May: The Crown Prosecution Service confirm Rupert Lowe MP will not face criminal charges relating to alleged threats to staff
14 May: The Prime Minister Sir Keir Starmer MP suggests recent arson attacks on his property are and attack "on democracy and the values that we stand for"
15 May: On an official visit to Albania, the Prime Minister confirms the government are in talks with other countries regarding creating "return hubs" for failed asylum seekers

16 May: The Scottish Parliament's Public Audit Committee reports that the Scottish government failed to properly scrutinise inappropriate spending in the Water Industry Commission for Scotland
19 May: United Kingdom-European Union summit announcing a Common Understanding for the 'reset' in relations, including plans for new agreements on sanitary-phytosanitary standards and emissions trading schemes, cooperation in security, defence, development and illegal migration, and a youth 'experience' scheme
20 May: The Prime Minister Sir Keir Starmer MP apologises to Liz Saville-Roberts MP for using "overly-rude" language about her Prime Minister's Questions
22 May: The Justice Secretary Shabana Mahmood MP confirms that a pilot for chemically castrating sex offenders in England is being extended
22 May: The UK government confirm the transfer of the Chagos Islands to Mauritius, with the military base on the island to be leased back to the UK for £101 million a year
27 May: Reform UK leader Nigel Farage MP defends an advert from the party in Scotland which targeted Scottish Labour Leader Anas Sarwar MSP after allegations the advert was racist
27 May: Hundreds of legal experts including former Supreme Court justices sign a letter to the UK government calling on it to use all available means to ensure a ceasefire in Gaza
29 May: Douglas Ross MSP accuses the Presiding Officer of the Scottish parliament Alison Johnstone MSP of bias after he is ejected from the chamber for interrupting First Minister John Swinney MSP
30 May: The Attorney General Lord Richard Hermer expresses regret over remarks comparing those who wanted the UK to break norms of international law and depart from the ECHR with arguments made in 1930s Germany

June

2 June: Mary Foy MP refers herself to the Parliamentary Commissioner for Standards after she apparently lobbies for the Fire Brigades Union despite being in a relationship with its general secretary Matt Wrack
2 June: The Speaker of the House of Commons again raises the issue of major policy announcements being made outside of parliament with reference to briefings regarding the Strategic Defence Review
3 June: The Prime Minister Sir Keir Starmer MP suggests that he is unlikely to consent to a second referendum on Scottish independence while he is Prime Minister
5 June: The Leader of the Opposition Kemi Badenoch MP announces the Conservatives will establish a commission to consider whether the UK should withdraw from international legal agreements including the ECHR
9 June: The Scottish government suggests the UK government failed to properly communicate its decision to reinstate winter fuel payments in England and Wales
10 June: Sir Oliver Robbins and Nick Dyer of the Foreign Office write to over 300 Foreign Office staff who signed a letter to the Foreign Secretary David Lammy MP about concerns regarding UK complicity in Israel's conduct in Gaza. The letter suggests: "if your disagreement with any aspect of government policy or action is profound your ultimate recourse is to resign from the Civil Service. This is an honourable course."
11 June: The UK and the EU agree the post-Brexit status of Gibraltar
11 June: The Northern Ireland Executive issue a statement condemning the racially-motivated violence that had erupted on 9 June after two Romanian-speaking teenagers were charged with attempted rape in Ballymena. The related riots lasted for ten days and saw 107 police officers injured and multiple homes and businesses damaged, including homes set alight with families inside.

14 June: The Prime Minister Sir Keir Starmer MP announces there will a national inquiry into grooming gangs
15 June: The First Minister of Wales Eluned Morgan MS calls for a new devolution funding arrangement
20 June: MPs withdraw the Senedd veto which was part of the Terminally Ill Adults (End of Life) Bill
20 June: The Terminally Ill Adults (End of Life) Bill passes its final vote in the Commons by 23 votes
20 June: The Scottish government announces it will cease the use of WhatsApp and other non-corporate messaging services across mobile devices
24 June: The government denies a request from Kent County Council to delay the planned reorganisation of local government in the area
27 June: The Attorney General Lord Richard Hermer releases a statement that allegations the UK has a "two-tier justice system" are "disgusting" and "wrong"
29 June: George Freeman MP refers himself to the Parliamentary Commissioner for Standards after the Sunday Times reports improper engagement with a private company ahead of a written parliamentary question

Appendix C: The Terminally Ill Adults (End of Life) Bill

Background

The Terminally Ill Adults (End of Life) Bill, commonly referred to as the Assisted Dying Bill, is a Private Member's Bill (PMB) introduced to Parliament by Labour MP Kim Leadbeater in October 2024. If enacted, the Bill will allow certain terminally ill adults to request, and lawfully be provided with, assistance to end their own life. This is subject to specific legislative safeguards and eligibility criteria. The Government has formally maintained a position of neutrality on the Bill, permitting a free vote in the House of Commons on the subject.

The use of a Private Member's Bill to legislate on a question of profound moral and social significance has attracted criticism from politicians and some experts[1], who argue that the process risks limiting the scope of parliamentary scrutiny. Others, however, have defended the Bill's progress, arguing that the Bill has in practice received more detailed debate and examination than most Government bills receive.[2]

The Terminally Ill Adults (End of Life) Bill completed its passage through the House of Commons on 20 June 2025, passing its Third Reading by 314 votes to 291 votes. It is scheduled for its Second Reading in the House of Lords on 12 September 2025. This appendix addresses the Bill as it is on 28 August 2025. It may be subject to later amendment.

The Bill's policy and safeguards

The objective of the Terminally Ill Adults (End of Life) Bill, as stated by Kim Leadbeater MP, is to establish a lawful framework for eligible, terminally ill adults to be able to voluntarily request lawful assistance to end their own lives. The main intended outcomes of the Bill are:

a) to give those who are already dying a choice over the manner of their death
b) for the choice of assisted dying to be part of a holistic approach to end of life care, rather than a substitute for palliative care
c) to create a robust legal framework for assisted dying to happen in a manner that is subject to strict eligibility criteria and multiple layers of checks and safeguards
d) to protect individuals from fear of and actual criminalisation where they assist another person to end their own life, in accordance with the provisions of the Bill

1 See, for example, Mark Elliott 'Assisted dying, Private Members' Bills and government neutrality', *Public Law for Everyone* (18 November 2024), available at: <https://publiclawforeveryone.com/2024/11/18/assisted-dying-private-members-bills-and-government-neutrality/> and Jessica Elgot and Peter Walker 'UK's longest-serving MPs issue joint plea for Commons to reject assisted dying bill', *The Guardian* (20 November 2024), available atL <https://www.theguardian.com/society/2024/nov/20/diane-abbott-edward-leigh-urge-commons-reject-assisted-dying-bill>, last accessed 19 September 2025.

2 See, for example, Ruth Fox and Matthew England, 'The Assisted Dying Bill: Rushed And Lacking Scrutiny, Or Unfairly Criticised?', *The House* (5 June 2025), available at: <https://www.politicshome.com/news/article/assisted-dying-bill-rushed-lacking-scrutiny-unfairly-singled-criticism> and Kate Dewsnip, 'The Constitutional Question of the Assisted Dying Bill', *The Constitution Society* (11 December 2024), available at: <https://consoc.org.uk/the-assisted-dying-bill/>, last accessed 19 September 2025.

According to clause 1 of the Bill, a terminally ill individual with a prognosis of no more than six months must satisfy the following criteria to be eligible for lawful assistance to voluntarily end their own life:

> *(a) has the capacity to make a decision to end their own life (see section 3);*
> *(b) is aged 18 or over at the time the person makes a first declaration (see section 8);*
> *(c) is ordinarily resident in England and Wales and has been so resident for at least 12 months ending with the date of the first declaration; and*
> *(d) is registered as a patient with a general medical practice in England or Wales.*

As per clauses 5-22, the process of making a decision under the Bill involves multiple stages and the participation of various professionals.

A patient must first make a formal declaration of their wish to end their life, following a preliminary discussion with a medical practitioner. Two independent doctors must then confirm the patient's eligibility. After this, the case is reviewed by a multidisciplinary Assisted Dying Review Panel, comprising a lawyer, a psychiatrist, and a social worker, which must unanimously approve the request. The patient is then required to sign a second formal declaration, after which a mandatory waiting period applies before they may proceed to end their life.

Crucially, the fatal medication must be self-administered by the patient, the assisting doctor is prohibited from administering the 'approved substance' (clause 23(8)).

Clauses 34–36 establish a series of new criminal offences designed to act as legal safeguards against abuse of the Bill. For example, Clause 34 creates an offence of 'dishonesty, coercion or pressure,' intended to prevent individuals from being induced to end their own life. The maximum penalty for this offence is life imprisonment.

Various other safeguards are also included in the Bill. For example, clause 43 prohibits advertisements the purpose or effect of which is to promote a voluntary assisted dying service; clause 4 establishes the office of the Voluntary Assisted Dying Commissioner; and clauses 47–50 create a system for monitoring and reviewing the operation of the Act.

Private Member's Bill process and scrutiny

A Private Member's Bill must pass through the same core legislative stages as a Government Bill, that is: First Reading, Second Reading, Committee Stage, Report Stage, and Third Reading in both the House of Commons and the House of Lords. In the House of Lords, the form a bill takes, whether a PMB or a Government Bill, does not affect the procedure. The procedural differences between Private Member's Bills and Government Bills instead occur in the House of Commons. The key procedural variations in the House of Commons include:

a) Allocated time for debate: Thirteen Friday sittings per parliamentary session are allocated for Private Member's Bill debates in the Commons Chamber, providing an exception to the general rule that 'Government business shall have precedence at every sitting'.[3]
b) Order of precedence: A special order of priority governs the final six of those 13 Friday sittings.

3 House of Commons, Standing Orders – Public Business, HC 829, (23 May 2024), Standing Order No. 14(1).

c) Debate closure rules: 'Closure' motions are sometimes used to conclude debates before 2:30pm during the Second Reading and Report stages.
d) No programme/timetabling order: There is no programme order for PMBs, meaning no timetabling of stages after Second Reading.
e) Restricted Public Bill Committee capacity: Ordinarily, only one active Public Bill Committee (PBC) can consider PMBs at a time. Forming an additional PBC requires a resolution of the House.
f) No evidence submissions: Unlike committees for Government Bills, PMB PBCs have no power to accept oral or written evidence submissions. This would require a resolution of the House.

These procedural variations have been central to critics' concerns about the adequacy of legislative scrutiny.

Private Member's Bills have been used in the past to introduce significant social legislation. Notably, landmark reforms such as the legalisation of abortion, the decriminalisation of homosexuality and the abolition of the death penalty were enacted through Private Member's Bills and were approved by free votes in Parliament. The use of a Private Member's Bill is an established legislative practice for advancing high profile and often contentious social reform, though it is not a convention.

Criticisms

Concerns about the processes relating to the Terminally Ill Adults (End of Life) Bill have focused in large part on the use of the Private Member's Bill procedure.

It has been argued[4] that the PMB procedure affords considerably less time for debate and scrutiny than is potentially available for government bills. Critics have suggested in particular that the Terminally Ill Adults (End of Life) Bill was rushed through Parliament with unnecessary haste. The Bill received five hours of debate at Second Reading in the Commons, and the Public Bill Committee held 29 sittings – both of which exceed the average of government bills. By the Report Stage and Third Reading, the Bill had been debated in the Commons for approaching 97 hours. During Committee scrutiny, over 150 amendments were made to the Bill, including 40 proposed by MPs other than Kim Leadbeater. It is impossible to say with certainty whether a government bill would have been subject to greater debate or a larger number of amendments.

Some have also criticised Kim Leadbeater of publishing the draft Bill too late, thereby limiting the time available for MPs to thoroughly review and understand the Bill's provisions. This delay, they argue, deleteriously affected the quality of the scrutiny the proposals received. The 18-day interval between the publication of the Assisted Dying Bill and Second Reading does exceed the recommended minimum, as per the Cabinet Office Guide to Making Legislation, and is in line with current practice. Whether this is appropriate for a bill of this significance has been a subject of contention.

Particular concerns were raised about the quality of scrutiny at the Public Bill Committee stage. Unlike government bills, it is not standard practice for Public Bill Committees on PMBs to receive public evidence, whether written or oral. In response, Kim Leadbeater moved a motion at the conclusion of Second Reading for the Committee to hear such evidence, which the House accepted. The bill committee

4 See Camilla Tominey, 'Shame on Parliament for rushing through this Assisted Dying Bill', *The Telegraph* (30 November 2024), available at: <https://www.telegraph.co.uk/news/2024/11/30/shame-on-parliament-for-rushing-through-this-assisted-dying/>, last accessed 19 September 2025.

later voted 15 to seven to change a requirement for a High Judge to approve applications and to replace such judges with a panel of three experts, including a 'senior legal figure, a psychiatrist and a social worker' after concerns were raised about the Bill's implications for the justice system.[5] Some criticised this as a significant rollback of the safeguards which had been promoted by the Bill's advocates.

Additionally, various experts have argued that the PMB route offers limited opportunities for pre-legislative scrutiny, especially when compared with Government bills. Hannah White and Jill Rutter of the Institute for Government argue that 'legislation on an issue like assisted dying would have benefited enormously from a more thorough preparation phase'.[6] Others, including members of this Group, have elsewhere argued that the publication of the Bill ought to have been accompanied by a full policy impact assessment to better inform parliamentary debate.[7]

When considering arguments about the appropriate method and level of scrutiny the Terminally Ill Adults (End of Life) Bill has received, many have argued that Government bills rarely undergo extensive pre-legislative scrutiny. In the 2021–22 parliamentary session, approximately 11% of Government bills were subject to this process, with just five draft bills presented to Parliament. However, it seems likely that had the Government introduced a bill on the same subject, there would have been significant pressure for them to produce a draft Bill. It should be noted, though, that when considering this issue, the House of Commons Health and Social Care Committee published a substantial report on assisted dying in February 2024, receiving hundreds of submissions from experts and stakeholders and taking oral evidence from dozens of witnesses.

Elsewhere, particular reservations have been raised regarding scrutiny in the House of Lords. Due to the timetabling of the Private Member's Bill process, the House of Lords has been left with comparatively little time to scrutinise and, if necessary, amend the Bill before it was required to return to the Commons at the end of the parliamentary session. It has been argued this lack of time could discourage Peers from proposing amendments, for fear that the chamber might be perceived as obstructing the will of the Commons. The Government later confirmed that the parliamentary session would last until spring 2026, which should provide significant time for the Bill to be debated, however, this incident has raised concerns about the use of the process in the future. The Second Reading debate in the Lords is currently scheduled for 12 September.

5 Harry Farley, 'MPs scrap judge sign-off in assisted dying bill', *BBC News* (12 March 2025), available at: < https://www.bbc.co.uk/news/articles/cly6gz9j3rno >, last accessed 29 August 2025.

6 White and Rutter, 'The government has gone the wrong way about legislating on assisted dying', *Institute for Government blog* (20 November 2024) available at: <https://www.instituteforgovernment.org.uk/comment/government-privatemembersbill-assisted-dying>, last accessed 19 September 2025.

7 Elliott 'Assisted dying, Private Members' Bills and government neutrality'.

Appendix D: The Return of the Northern Ireland 'Backstop'?

On 20 December 2024, just before the Northern Ireland Assembly went into the Christmas recess, the Speaker, Edwin Poots MLA, wrote to the Secretary of State for Northern Ireland, Hilary Benn.[8] He wrote to inform him that the previous day 35 MLAs had submitted a written notification which seeks to prevent Regulation (EU) 2024/2865 of the European Parliament and of the Council of 23 October 2024 amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures from applying under the Windsor Framework. Under paragraph 12 of Schedule 6B to the Northern Ireland Act 1998 ('the 1998 Act'), the Speaker alerted the UK government to this effort to pull the 'Stormont Brake'. Such a provision had been introduced with the Windsor Framework (February 2023) adjustments to the Protocol on Ireland/Northern Ireland, in an effort to increase the capacity of the Northern Ireland Assembly for democratic scrutiny and voice over the EU legislation that applies in the region.

As required, the Secretary of State for Northern Ireland, Hilary Benn, replied a month later.[9] In a detailed letter to the Speaker of the Northern Ireland Assembly, he explained the government's view is that the requirements to prevent the amendments to the EU legislation from applying in Northern Ireland had not been met. There are three points of interest here when it comes to the UK constitution. The first is that all unionist MLAs who were eligible to support the notification did so (including DUP, UUP, TUV and independent MLAs) underscoring the clear division between unionist MLAs and others over the Windsor Framework. The second is that, even though the Stormont Brake provision was intended to reassure unionists in particular, the government's decision to reject the application was made on the grounds of the specifics of the regulation in question. The third, most significant, implication is what reassurance the Secretary of State offers the NI Assembly in his letter. He states:

> *as we develop that future approach, the Government will take the steps necessary to avoid new barriers arising from the Amending Regulation within our classification, labelling and packaging regimes for chemicals.*

Essentially, the Secretary of State notes that the reason why the Stormont Brake is unnecessary is because the UK's own considerations of its domestic regime for the regulation of chemical classification, labelling and packaging will become aligned with those of the EU, which the government sees as having 'merits'. As such, the effect of the Windsor Framework is intended to be mitigated not by seeing Northern Ireland diverge from EU rules (which had been threatened by the previous government) but by

8 Northern Ireland Assembly, 'Letter from the Speaker to the Secretary of State regarding Notification under Part 3 of Schedule 6B of the Northern Ireland Act 1998 ("Stormont Brake") and the Written Explanation (Annex 1)', (20 December 2024), available at: < https://www.niassembly.gov.uk/assembly-business/office-of-the-speaker/correspondence/letter-from-the-speaker-to-the-secretary-of-state-regarding-notification-under-part-3-of-schedule-6b-of-the-northern-ireland-act-1998-stormont-brake-and-the-written-explanation-annex-1/ >, last accessed 19 September 2025.

9 Secretary of State for Northern Ireland, 'Correspondence pursuant to schedule 6B NI Act 1998', (20 January 2025), available at: < https://assets.publishing.service.gov.uk/media/678e4c3d432c55fe2988f63e/Correspondence_from_the_Secretary_of_State_for_Northern_Ireland_pursuant_to_Schedule_6B_Northern_Ireland_Act_1998_20.01.2025__1_.pdf >, last accessed 19 September 2025.

seeing the UK as a whole align with them. This certainly eases the way towards the fleshing out of the UK-EU Common Understanding but it does have implications for the internal constitution of the UK (even though Wales and Scotland may already wish to pursue such alignment).

A similar trend is evident in a second important piece of correspondence between the Secretary of State and the Speaker of the Northern Ireland Assembly in this reporting period. On 24 April, Secretary of State for Northern Ireland, Hilary Benn, wrote to the Speaker of the Northern Ireland Assembly to inform him that four more EU acts will be added to the Windsor Framework.[10] This is particularly notable because one of these had been earlier explicitly rejected in a vote in the Northern Ireland Assembly (on Non-Agricultural Geographical Indications). The letter marks an attempt to provide a rationale for the government decision not to be tied by the wishes of MLAs on this matter. It also provides the commitment that,

> *In order to provide additional confidence that manufacturers and traders will not face new regulatory barriers to placing goods on the Northern Ireland market, the Government commits to taking any necessary steps to protect the UK's internal market, including considering equivalent measures in Great Britain where necessary.*

Such a commitment sees the Windsor Framework return to being something of a backstop, as per the ill-fated November 2018 version of the Protocol on Ireland/Northern Ireland, with the UK Government committing to align with EU rules where it avoids a regulatory border between Northern Ireland and Great Britain. Explanatory Memoranda were later provided on the new acts to Parliament and to the Democratic Scrutiny Committee in the NI Assembly.

10 Secretary of State for Northern Ireland, 'Correspondence with Edwin Poots, Speaker of the Northern Ireland Assembly', (24 April 2025), available at: < https://assets.publishing.service.gov.uk/media/680a21d77a11df940be1aa89/24.04.2024_-_SoSNI_to_Assembly_Speaker.docx.pdf >, last accessed 19 September 2025.

Appendix E: Extract of Sir Chris Wormald's Oral Evidence to the Public Administration and Constitutional Affairs Committee

Q238 ***Chair:*** *The final question of this session, Sir Chris, is about something that for some has the totemic qualities of the holy grail and for others seems to be the sort of thing that you might use to prop open a window when the sash cord has snapped. That is our old friend the Cabinet Manual. Several of your predecessors have described your role…the role of the Cabinet Secretary as being the custodian and guardian of the Cabinet Manual. I think it is collectively recognised that the Cabinet Manual is out of date. Are civil servants using out-of-date guidance or is there alternative guidance that is being used but not in the public domain? Do we still need a Cabinet Manual?*

Sir Chris Wormald: *At this point, I should admit that I helped write the original version when I was last in the Cabinet Office. I may even have contributed to the paragraphs that you are describing.*

It is important to be clear about what it is and is not. When we wrote it, we were thinking about it as a precedent book—no more, no less. We were seeking to write down and clarify what we thought were the precedents in place at the point that we wrote it. It then went to Cabinet for collective agreement, just like any other Government policy, so I do not actually agree that it is owned by the Cabinet Secretary. It was a piece of Cabinet agreement, just like anything else.

In those terms—as a description of what we thought the relevant precedents were in 2011—is still as useful as it always was, but you have to treat it as a historical document. You would take it as a base and you would ask yourself, "What has happened since that might change those various precedents?" Some specific things have, of course, changed in the law and that makes large chunks of it out of date, but of course it is the law itself that defines what the situation is. Used in that way, it is still useful as a starting point for what we felt and thought then—as I said before, what the relevant precedents are is, in the end, a matter for elected politicians—but you then have to ask yourself what has changed since. It is no more and no less useful than any other historical document in that sense.

Q239 ***Chair:*** *I do not think this Committee has ever viewed it as a 2011 equivalent of Magna Carta—*

Sir Chris Wormald: *No, and it never aspired to be that.*

Chair: *—or something to gaze at through a highly protective glass case. It is more of an organic document. There are things that have changed that have potentially materially affected precedent and Government powers. The pandemic is the prime example, and changes to and a deepening of the devolution settlement between the four nations, a very substantial rewriting of the local government landscape with metro mayors and others, and departure from the European Union. All those things, even taken in isolation, suggest a certain magnitude that might point to the usefulness of an up-to-date Cabinet Manual and doing it in a timely fashion.*

Sir Chris Wormald: *There are a couple of things to say there. On all the examples where the law has changed—the devolution settlement, the exit from the European Union and so on—people's first port of call should be the actual law, not a set of interpretations of that law set out in a Cabinet Manual*

or elsewhere. It is always the case, however up to date something is, that on those things where Parliament has chosen to change the law, your reference should be the relevant law and nothing else.

You can, of course, make a case for its updating and if people found the original Cabinet Manual useful, having worked on it, that is obviously a good thing. You discussed this with the Chancellor of the Duchy of Lancaster, who I think made it clear that this was not one of the Government's priorities in this field and they would be focusing on the things that they set out in their manifesto.

Q240 ***Chair:*** *Yes, I think that is an accurate summary of what Pat McFadden told the Committee, which, when married to your answer, takes me almost inevitably to the thought that the Cabinet Manual was written at a time when somebody thought a Cabinet Manual might be of use, interest and so on, and it is not any more, so those of us who are slightly nerdy on these matters should say, "Hang the Cabinet Manual. It is out of date. Take it off the library shelves, because precedent changes and the law changes and so on, and that will be the guiding star." Is it time to shoot the Cabinet Manual?*

Sir Chris Wormald: *No, as long as you take it as exactly what it is—*

Q241 ***Chair:*** *What is the point of it if it is out of date and historical?*

Sir Chris Wormald: *It gives you somewhere to start. If you look at the section that was published first, which was the Government formation section published before the 2010 election and discussed with both political leaders and constitutional experts about what would happen if there were a Parliament without a majority in a coalition discussion, it gives you a good description of what we thought were the precedents in 2010 and what the constitutional experts said. You would then ask yourself what has happened since that point that might lead you to conclude that you would do it differently in future, and there have obviously been several elections and other precedents. Used in that way, I do not see any reason for you not to keep it on your library shelf.*

Q242 ***Chair:*** *It is like volume 3 of "Encyclopaedia Britannica", which nobody opens because we all just google it.*

Sir Chris Wormald: *Well, you might, but—*

Chair: *Other search engines are available.*

Sir Chris Wormald: *As a historical reference document that you might use alongside other historical reference documents and ask yourself, "What has changed that might make us change our mind?", I still think it is useful, but it has to be seen in that way. It is a point in time.*

Chair: *Yes. I think I am a wee bit clearer, but I am not entirely sure. We might come back to it on a later occasion.*[11]

11 Sir Chris Wormald, Oral Evidence to the Public Administration and Constitutional Affairs Committee, Oral evidence: The work of the Cabinet Office, HC 463 (2025), available at: < https://committees.parliament.uk/oralevidence/15414/pdf/ >, last accessed 19 September 2025.

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