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 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 tenth (we produced a single report covering the final year of the Conservative period of office from July 2023, and also issued, early in 2024, a pre-General 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 2026 up to 30 June 2026. In it we continue our task of monitoring developments against our criteria. We also take into account events shortly after the end of this period, including those connected to the change of Prime Minister.

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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Introduction: the wider context

1) **Since its formation, the Group has carried out its work in the context of an international and domestic environment challenging to democracy. This perspective continues to inform our reporting work.**

2) Our first six reports, compiled into Volume 1, covered a period of Conservative government, during which there were three prime ministers – Boris Johnson, Liz Truss, and Rishi Sunak. Following the July 2024 General Election and the formation of a Labour government, we commenced Volume 2.

3) This is our fourth and final report dealing with the tenure of Sir Keir Starmer. He was replaced by Andy Burnham as Labour Prime Minister on 20 July, following Burnham being elected to the House of Commons on 18 June and becoming Leader of the Labour Party on 17 July. We discuss some constitutional aspects of this succession in the main body of this report. To reflect on the Starmer premiership, there has so far been a notable degree of continuity regarding the issues of concern we raised under the Labour government elected in July 2024 as compared with developments under the previous Conservative administrations. Key issues regarding matters such as excessive reliance on delegated legislation and difficulties in the relationship between UK and devolved governance have proved persistent. There were also reasons for optimism, such as various planned reforms included in the Representation of the People Bill.

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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4) An aspect of the Mandelson scandal, which was prominent during the report period, involved the processes surrounding his appointment. In June, the Foreign Affairs Committee published a report finding various problems both with the way in which they were handled, and in establishing what good process was. The Committee, discussing the 'disastrous' decision to appoint Mandelson as ambassador to the US, held that as a consequence of factors including 'his well-documented friendship with the convicted paedophile Jeffrey Epstein' and 'his extensive foreign business dealings' meant that 'any serious investigation into whether he was suitable for one of our country's most important diplomatic postings would have come to one conclusion.' The Committee went on to state that it was 'quite clear that Peter Mandelson was not the choice of the Foreign, Commonwealth and Development Office' and that he was 'essentially forced on them by Number 10.' There was 'no evidence of any debate as to why he was deemed to be the most appropriate candidate for the role.' It called for 'a proper process set out for political appointment', including 'a scrutiny evidence session before the Foreign Affairs Committee.' It concluded that future political appointments to Head of Mission posts should be preceded by 'candidates first appearing before the Committee' and that it 'should have the ability to formally veto an appointment.' It regretted being 'kept in the dark'. In September 2025, after Peter Mandelson was sacked as ambassador, both in written and spoken evidence, this Committee was not given full answers. It would be too much to say we were told lies, but we were told partial truths.'

5) The Committee also identified a lack of clarity about 'what constituted "due process" when it came to political appointments. We have found that there was no agreement in the understanding by key decision makers as to what this should be. The Committee has been left with every impression that this process was being made up as it went along.' It was 'especially alarmed to hear suggestions that officials had debated whether Peter Mandelson would even need to go through any security vetting at all.' The Committee identified 'a number of unanswered questions' and that despite 'hours of testimony and the unprecedented release of hundreds of pages of documents through the Humble Address…much

of the evidence surrounding the key decisions of Peter Mandelson's appointment has not been found.' It judged 'record keeping by the FCDO and Number 10' to be 'so appalling that it is unclear whether these documents do indeed exist, whether they have been lost or whether they are in the possession of the Metropolitan Police.'

6) The greatest source of concern for the Committee was 'Sir Olly Robbins' statement to the Committee that there was a "generally dismissive attitude" by Number 10 towards Peter Mandelson's vetting. The timeline seems to support this claim. There was very little time for officials to undertake Developed Vetting before the stated January deadline, and the vetting process only began after Peter Mandelson had been publicly announced as the next ambassador, giving every impression of being an afterthought.' It had not discerned if 'the FCDO picked up on this "generally dismissive attitude" and were themselves dismissive of a recommendation not to proceed with vetting approval'. While the Committee had 'been assured that potential conflict of interests and security concerns were taken seriously but would be managed', it had 'not seen these mitigations'. It was 'left to wonder if they were sufficient to safeguard national security.' Potentially, 'the Metropolitan Police' were in possession of 'this crucial evidence.'

7) **In order for Ministers and officials properly to discharge their responsibilities and to be held to account for their decisions, it is essential that there are structured processes for decision-making involving Ministers and officials; and that the precise decisions taken, when and by whom, and the reasons underpinning them, are clearly recorded at the time, and form the basis for subsequent accountability to Parliament and the public. As the Foreign Affairs Committee report shows, this was not the case in either the initial decision to appoint Lord Mandelson or the subsequent decision to grant him DV status after consideration by officials of the advice of the vetting authority. We suspect these lessons have much wider applicability than this particular case for the proper conduct of government in support of accountability and integrity in public life. Problems of adherence to good practice in appointments should be considered as distinct from the question of whether Parliament should take on a role in the process.**

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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8) **Towards the end of our report period, on 22 June, Keir Starmer announced his intention of standing down as Prime Minister, to be succeeded by whoever secured the Labour leadership after him.** We note that the average tenure of prime ministers has contracted over the past ten years, relative to preceding decades. **We take no view on how long the term of office of a Prime Minister should be. But there is a level of rapidity in turnover at No.10 that could impede proper functioning of government.** Changes of Prime Minister have various consequences and can be a source of concerns and strains. For instance, they can involve the removal and replacement of a substantial volume of ministers and advisers; and the changes to the machinery of government. Outgoing prime ministers also by convention are entitled to issue resignation honours lists of some kind, which can generate controversy, and which have constitutional impacts, including on the composition of the House of Lords. **New prime ministers can also be expected to bring about changes of direction in policy**, even if this might be to some extent constrained by the manifesto on which their party was previously elected. **We note that the Burnham government has announced a range of initiatives, some of which are of considerable constitutional significance, to which we will return.**

9) The transition of mid-2026 did not involve the holding of a General Election. Such an occurrence is entirely normal. Indeed, over the preceding decade, five individuals had come to the office of Prime Minister (Theresa May, Boris Johnson, Liz Truss, Rishi Sunak, and Keir Starmer), only in one case following a General Election. Broadly, the transition was smooth, adhering to the main principle that the Prime Minister and government need to be in possession of the confidence of the House of Commons, normally inferred (as in this case), but which can also potentially be expressed (or withheld) more directly by votes. Being chosen as leader of the Labour Party (which had a substantial Commons majority) was sufficient for Starmer to be judged able to command the confidence of the Commons. **The episode confirmed again the significant role that political parties and their internal rules and processes can play in the operation of the UK constitution. It is plausible that, in future, different parties may come to participate in government and the way in which those parties are organised will alter outcomes. For example, a party may afford more or less power to its parliamentary cohort or membership beyond Parliament relative to its leadership; or may exist as a private corporation. Particular qualities of this kind might prove to be of consequence in future in ways which are difficult to predict.**

10) **It may also be that the practice of a party of government choosing to install a politician judged to have performed successfully at devolved level as Prime Minister will be repeated in future. If this is the case, it may be worth exploring means by which this outcome can be achieved other than through the use of a parliamentary by-election, as was employed for Starmer.**

11) **The way in which prime ministers come to and depart from office illustrates the importance of convention – that is established constitutional understanding lacking in statutory basis, which cannot be directly enforced by the courts – has to the UK constitution. The general principles surrounding such transitions are relatively clear, but – as can often be the case with convention – there is also scope for uncertainty.** In late June, the outgoing Prime Minister launched a Defence Investment Plan which brought with it substantial public expenditure implications. There was discussion of this action from a constitutional standpoint. The *Cabinet Manual* refers to restraints on major initiatives during election periods, following the loss of confidence by a government, and after a General Election when there is doubt about who will be able to command the confidence of the House of Commons after a General Election. But these scenarios did not seem to apply specifically to the circumstances of summer 2026. Nonetheless, it was reasonable to question how far it was appropriate for an outgoing Prime Minister to embark on such a course of action, rather than leave the matter to a successor.

12) **It is important to recognise the scope for prime ministers or governments – perhaps of malign motivation – actively to disregard constitutional conventions if they perceive benefit in doing so. Where there is lack of clarity about the precise application of conventions – such as those pertaining to 'caretaker' prime ministers – the opportunities for abuse, involving the exploitation of uncertainty, can be heightened. We therefore recommend that every opportunity is taken to promote conventions that are clear, and make more definite those that are not, in order to reduce the chances for such malpractice.**

13) **The then-Prime Minister, Keir Starmer, made a statement to the House of Commons on 2 June that his government would be updating the *Cabinet Manual*. This document includes in it the main or only official account of some of the most important constitutional conventions.**

14) Starmer conveyed the value of the document, explaining that it

> *sets out the main laws, rules, and conventions affecting the operation of government. It is intended primarily as an authoritative reference for Ministers and civil servants, but it also has a role in making the operation of government more accessible to Parliament and the public.*

A new edition has been needed for some time. As Starmer put it

> *The Manual was first published in 2011 and has not been updated since. As a result, it has become significantly out of date, most notably in its descriptions of general elections, the UK's relationship with the EU, and the devolution settlements. Its value for Ministers and officials, helping them navigate the UK's constitutional arrangements, has been diminished by this lack of accuracy. An update will therefore restore the Manual's status as an authoritative guide.*

15) **The Manual, however, is more than a guide, since, if it is able to provide a definitive statement of crucial rules – including those such as conventions that lack a statutory basis – then it can contribute to a more robust democratic system. It could therefore play a part in providing safeguards against a future government less committed to constitutional good practice (though we**

record concerns about potential misuse of the Manual below). Allowing it to become increasingly outmoded, as has been the case to date, has been unwise. Starmer recognised that an updated Manual could 'restate and underline the rules and conventions that underpin our democracy' providing 'an opportunity to demonstrate the Government's commitment to high standards in public life.'

16) **It is important that – without creating excessive delays in its production – the new edition of the Manual is produced with input external to the executive.** Starmer confirmed that 'feedback' would be sought 'from the Public Administration and Constitutional Affairs Committee in the House of Commons and the Constitution Committee in the House of Lords on draft text.' However, since 'the Manual sets out constitutional arrangements from the view of the Executive, the Government will not seek Parliament's approval of the text, following the approach established in 2010-11.' **However, the Manual will become a more authoritative and robust document if it is based on consultation with a wide range of constitutional and other actors. If responsibility for the text is concentrated excessively in the executive alone, there is a greater risk that a government could use it arbitrarily to attempt to define for itself what constitutional conventions and processes are or should be.**

17) Starmer closed by remarking that '[a]n update is long overdue and will serve to benefit Ministers, officials, Parliament, and the public.' **Governments have previously committed to updating the Manual, but – as yet – no such text has appeared. We hope that the Burnham government will continue and complete this project, and also establish the principle that regular – more frequent – updates are necessary. A number of corrections and alterations to the text have been proposed by parliamentary committees in the period since it was first published. It is important that these are incorporated into the new text. We also hope that the government will consider areas in which it would be useful to add new content, particularly with regard to the need to clarify rules with a view to reducing scope for abuse in future. Areas meriting attention include the limitations which should apply to caretaker prime ministers, as discussed above.**

18) **A document such as the *Cabinet Manual* cannot in itself prevent activity detrimental to the maintenance of constitutional values. It can, however, help create a climate in which such transgressions are less likely and – if they occur – carry a political cost. If more comprehensive protections are to be achieved, there is a need to give wider consideration to the subject of constitutional vulnerabilities and how they might be lessened. We therefore welcome the decision by the House of Lords Constitution Committee to embark on an inquiry in this area.**

19) In June the Committee announced an inquiry into the 'UK's Constitutional Safeguards', and in July issued a call for evidence, stating that it would 'seek to understand the extent to which the UK's constitutional democracy is under threat.' To this end, the Committee endeavoured 'to identify the constitutional safeguards that exist within the UK system, and understand the most significant strengths, weaknesses and vulnerabilities in how they operate.' The inquiry would, furthermore, 'seek to identify ways in which the UK's network of safeguards can be made more effective.'

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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20) **The results of local and devolved elections held on 7 May produced further evidence of the UK moving increasingly towards a multi-party system**, as measured by voter behaviour and – to some extent – outcomes. The fortunes of particular parties and politicians may fluctuate. But – at UK level – both the Conservatives and Labour have lost substantial support, with multiple other parties gaining ground. (We discuss the territorial implications of the May elections below.) **We take no position on the desirability or otherwise of this tendency, or on the relative merits of electoral systems. However, it is possible that there will be an increasing mismatch between the party system as it manifests itself in public support, and the Single Member Plurality or 'First-Past-the-Post' which translates that support into the balance of party representation in the House of Commons at General Elections. Outcomes could become increasingly unpredictable and perceived as perverse and irrational. Electoral systems and their impact are constitutional matters, as is the question – should it come onto the agenda – of how a different system might be adopted. It is also possible that – depending on the types of results the system delivers, or indeed if a different electoral system were adopted – more coalitions will be necessary. This is another tendency of constitutional implication.**

21) **Devolved elections in Wales switched from one system with a proportionality element (Alternative Member) to another. In 2026, the 96 Senedd members were elected from 16 6-member constituencies, in which voters cast a single vote for a party or independent candidate. Votes are counted using the D'Hondt formula. As is likely under a proportional system, no party won a majority. Plaid Cymru secured 43 seats, six short of the 49 needed for a majority. Forming a minority government, Plaid was unable during the report period and beyond to secure sufficient support in the Senedd for a Budget. In second place, with 34 seats, Reform UK became an official opposition in a UK Parliament for the first time.**

22) The report period saw some politically high-profile parliamentary by-elections. They included the Makerfield by-election of 18 June, which saw Andy Burnham return to Parliament. **By-elections are an established part of the UK political system, which have the potential to raise interesting constitutional questions. We do not take a specific view on when it is or is not appropriate to trigger a by-election. But we note the lack of a clear set of constitutional principles in this area. It is conceivable that a perception could develop that by-elections were being triggered for reasons that failed to reflect the public interest and were thereby brought into disrepute. We will return to this issue.**

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).

Ministerial statements and the *Ministerial Code*

23) Holding the executive to account on behalf of the public is a crucial constitutional role for Parliament. The ability of the legislature to fulfil this function rests to a large extent on the willingness of the executive to cooperate. A key source of the relevant rules in this area, from the point of view of the government, is the *Ministerial Code*. On 9 January, the House of Commons Public Administration Committee (PACAC) issued a report addressing this important constitutional matter. Entitled *Ministerial Statements and the Ministerial Code*, it is the product of an inquiry conducted at the request of the Speaker of the House of Commons, following 'representations from Members across the House about "the failure of Ministers to make major policy announcements to the House before they make them to the media".' The Committee focused on 'whether the Ministerial Code spells out adequately what the House should properly be able to expect of Ministers and whether its requirements are observed with sufficient rigour by Ministers.' The Committee concluded that it shared

> *the concerns of the Speaker about the Government's failures to adhere to the Code in this Parliament and note this is a longstanding issue for which successive governments have been criticised. We believe the current situation where the Ministerial Code sets a high bar for expectations which is regularly subject to accusations of being breached is undesirable.*

24) The government responded on 14 May. (Excerpts from the PACAC report and the government response of 14 May are included in Appendix C). Both the Committee and the government were in agreement that developments such as social media created new challenges for adherence to the broad principle that Parliament is the place in which the government should make important announcements first. The government welcomed:

> *the Committee's recognition of the changing media environment and the importance of the Government being able to effectively communicate policies to the public they serve. We recognise a balance must be struck between the constitutional role of our Sovereign Parliament in holding the Government to account and allowing it to scrutinise and debate policy, particularly the most important announcements of government policy, and ensuring that the elected government can inform the public of policy changes in the most timely and effective manner.*

25) The government accepted the proposal from the Committee that there was a need to change the wording of the *Ministerial Code* to ensure that it reflected 'the principles of ministerial accountability to Parliament which are already set out in Chapter 1 of the Ministerial Code…the description of ministerial accountability should be consistent throughout the document to ensure there is no ambiguity regarding the expectations placed upon Ministers.' It would 'update the language in Chapter 9 of the Ministerial Code to reflect the definition established in Chapter 1 at the next available opportunity.'

26) The Committee recognised that there might be circumstances in which the government legitimately should have a degree of flexibility with regard to the making of announcements. But the government wanted to retain more discretion than the Committee felt it should. The Code as drafted stated a general principle that '[w]hen Parliament is in session, the most important announcements of government policy should be made in the first instance in Parliament.' The Committee recommended that 'the word "should"' was 'ambiguous without good cause. Replacing it with the word 'must' would send a clear signal to Ministers and others about the expectations of the House and give confidence to the electorate that Members can do their scrutiny jobs effectively.' However, the government rejected this recommendation, remarking that '[a]s the Committee itself has recognised, it is not always possible for the Government to make announcements to the House first, for example, when the House is not sitting.'

27) The Committee recognised that 'responsibility for complying with the Code rests with the Government.' However, while it was 'the Prime Minister's document, we expect that any substantial re-writing of the Code in this area should be done in consultation with Members of the House and that the House should then be given an opportunity to consider any implications that flow from the changes for its own resolutions.' Parliamentary creep into the process by which the Code was drafted could be a significant constitutional development. Previously, production of such documents has been the sole preserve of the executive. The government resisted this possibility. It stressed that '[t]he Code sets out the Prime Minister's expectations of all who serve in government. The contents of the Code are a matter for the Prime Minister, rather than Parliament - and successive governments have taken that approach.'

28) PACAC made a further recommendation that was also of more general significance, when holding that 'an addition be made to Chapter 2 of the Ministerial Code to commit the Prime Minister to issuing a written statement upon reaching a final decision where he has determined a breach of the expected standards has occurred. This written statement should set out the basis for the decision and the action he is taking as a result.' The PACAC recommendation would have meant a change to the Code, which would in turn have altered the way in which the Prime Minister operated in relation to the Code. The implications extended beyond just the (undoubtedly important) subject of where policy announcements

should be made first, and the broader substance of the Code. It would have entailed a restriction on its flexibility of parliamentary origin. The government rejected the Committee proposal, repeating the statement that '[t]he contents of the Code is [sic] a matter for the Prime Minister, rather than Parliament - and successive governments have taken that approach.' It added that:

> '[t]he Prime Minister is already regularly held to account by Parliament for their decisions. There are established and robust mechanisms for the House to scrutinise such matters, most notably through Prime Minister's Questions (PMQs) and appearances before the Liaison Committee. These forums provide ample opportunity for Members of Parliament to question the Prime Minister on their determinations regarding ministerial conduct and the rationale behind any sanctions.'

29) **We hope that the work of PACAC will lead to the government showing more regard to the proper standing of Parliament when making policy announcements. We also note that the exchange between the Committee and government underlines that conventions such as those governing the relationship between executive and Parliament – while of crucial importance to the satisfactory functioning of the constitution – are in many ways of an amorphous quality. Opinions can differ over what they are, what they should be, how they should be defined, who defines them, and how they should be enforced. Often, ultimately, they involve self-regulation, and the executive in particular is in a position to decide how it should operate. It follows that there will always be potential for controversy and both perceived and actual malpractice. A government actively interested in the violation of democratic norms might well find opportunities in a system which afforded it the ability to draft and interpret a document that was a key source of rules supposedly governing its behaviour.**

Removal of members of the House of Lords

30) A further aspect of the Mandelson scandal involved his membership of the House of Lords. His retirement from the Lords – under Section 1 of the *House of Lords Reform Act 2014* – was announced on 3 February. However, he retained his peerage, which could be removed only by an Act of Parliament. The government committed to change in this area; the King's Speech of 13 May referred to 'legislation to enable peerages to be removed'.

31) On 10 March, the House of Lords passed the House of Lords (Hereditary Peers) Bill, leading to the final removal of the hereditary peers still sitting in the Lords following the *House of Lords Act 1999* (the legal maximum under the 1999 Act was 92, but at the point of final removal there were 85 Hereditary Peers – all of whom were men – sitting in the Lords. The curtailment of membership for Hereditary Peers came at the end of the 2024-2026 Parliamentary Session, on 29 April 2026. The Bill – which delivered on a manifesto pledge – was given Royal Assent on 18 March. The government had overcome Lords resistance to the Bill through allowing some Hereditary Peers to become Life Peers. Three Hereditary Peers had already received Life Peerages in December. On 12 May, it was announced that 26 Life Peerages would be granted to former Hereditary Peers.

Delegated powers and Parliament

32) **An ongoing source of concern for this Group has been the tendency for the government to undermine Parliament through the creation via Acts of Parliament of delegated law-making power. This practice can be a problem both because Parliament might not be able to envisage the ways in which the authority it is being asked to create will be used; and because the subsequent deployment of that power might not be subject to appropriate levels of parliamentary oversight. Legislative initiatives during the present reporting period continued to give rise to such concerns.**

33) On 25 June, the House of Lords Constitution Committee published a report on the National Security (State Threats) Bill. It noted that Clause 1 of the Bill provided the Secretary of State with:

> *the power to designate bodies involved in foreign power threat activity, on the basis of her reasonable belief and her consideration that designating the body is necessary to protect the safety or interests of the UK.*

34) Bodies to which the government anticipated applying the power included 'a foreign intelligence service, mercenary groups or "a network preparing to carry out sabotage or threatening to commit acts that create a serious risk to the health and safety of the public".' The list of designated bodies could be 'amended by regulations.' Regulation under this clause would be 'subject to the affirmative procedure', but under clause 5 (2), a weaker, 'made affirmative procedure' could apply 'if the Secretary of State is of the opinion that it is necessary by reason of urgency'. The Committee concluded that it was

> *constitutionally undesirable that designation can be made, and serious criminal consequences can flow, without prior approval of Parliament. The made affirmative procedure should therefore only be used in the most exceptional circumstances for the purpose of designation of a body.*

The Committee also asked

> *the Government to clarify whether its intention is to designate several bodies in a single regulation. It is important that Parliament has the opportunity and sufficient time to scrutinise adequately the merits of each individual designation.*

35) Clause 3 of the Bill, the Committee noted, 'establishes a mechanism by which a designation may be challenged or removed.' The Secretary of State was 'given a power to make regulations governing the procedure for such applications.' The making of these regulations was subject only to 'the negative procedure'. The Committee found that

> *In light of the seriousness both of designation and of the criminal offences that can flow from it, we invite the House to consider the appropriateness of the negative procedure for regulations governing the procedure for challenging or removing a designation.*

36) **The purpose of the Bill is to create powers needed by the government to safeguard against threats and protect the democratic system of the UK. While such powers are unfortunately necessary, the government should also have regard to the possibility that a future government might turn these powers against democracy, using them for purposes other than those of national security, for instance as a means of targeting critics. A government that is using these powers**

appropriately has less to fear from full parliamentary oversight than does a government abusing them. For this reason, the idea of inserting of more extensive parliamentary processes into the Bill, as suggested by the Committee, has great merit.

37) The House of Lords Constitution Committee had further objections involving legislation containing provision for delegated powers. On 24 June it published a report on the Steel Industry (Nationalisation) Bill. Clause 3 of the Bill was 'a sunset clause setting a limit of two years on the period in which the Secretary of State may exercise the principal transfer powers.' Yet the two-year period was 'open to potentially unlimited extension by way of regulations, under the draft affirmative procedure.' The Committee found that using 'delegated powers to bypass sunset clauses undermines their purpose, and sets an unusual and unwelcome precedent which we have previously warned against.' It therefore recommended that 'that the final period of extension of the sunset clause provided for in Clause 3 should be set out on the face of the Bill, or that there should be a statutory time limit which applies each time the power is used.'

38) Furthermore, Clause 47 (1) of the Bill created the possibility that regulations dealing with the transfer of shares could 'include "provision for disputes to be determined in a specified manner".' The legislation gave the minister 'discretion to (a) confer jurisdiction on a court or tribunal; and (b) confer discretion on a specified person.' Such actions were 'subject to the negative procedure.' The Committee concluded that '[g]iven the breadth of the power' being established, 'the provisions for dispute settlement should be more fully set out on the face of the Bill.'

39) Clause 48 creates a 'very broad discretion' for the Secretary of State, enabling them 'to make regulations about the fiscal consequences of the exercise of a transfer power.' It is 'a Henry VIII power with potentially retrospective effect for three months before the transfer.' The Committee - while recognising that 'the limited retrospective power may be justifiable' – noted that 'the general Henry VIII power in Clause 48 is almost unlimited in its authority to modify tax law in relation to a transfer.' It was 'subject to the draft affirmative procedure'. However, the Committee recommended 'that it should be replaced with a more targeted power on the face of the Bill, specifying the circumstances in which tax law may be modified.'

40) Clause 50 created 'a catch-all Henry VIII power in relation to share or property transfers.' The power it created included the potential to disapply the law; and the regulations it provided for could be retrospective in their effect. Though the regulations would be 'generally subject to the draft affirmative procedure' they might 'also, at the Government's discretion, be made by way of the made affirmative procedure, with no parliamentary approval until after the law is changed.' The Committee recommended

> *that the broad power granted to the Secretary of State in Clause 50(1) to modify the law in relation to share or property transfer by regulations should either be removed or significantly tightened to specify the circumstances in which such law may be modified.*

41) Finally, Clause 54 provided the Secretary of State with 'the power to confer functions, including discretions, on an independent valuer in the compensation scheme regulations in connection with determining an amount of compensation in relation to a transfer under the Bill.' The following Clause, 55, enabled that independent valuer, 'to do anything necessary or desirable for the purposes of or in connection with the performance of the functions of the office'. Regulations issued as part of a compensation scheme covered matters including 'appeal to a court or tribunal against a decision of

an independent valuer.' The Committee held that '[p]rovisions for possible appeals should not be left to delegated powers. Whether such a scheme should have an appeal mechanism and what form this might take should be set out on the face of the Bill.'

42) The Committee raised concerns about delegated powers in relation to yet another Bill, in a report it published on 1 July on the Cyber Security and Resilience (Network and Information Systems) Bill. It noted that Clause 43 of the Bill provided 'the Secretary of State with the power to issue directions to regulated persons requiring that specific actions be taken, or not taken, on national security grounds.' Clause 44 (6) stated 'that directions by the Secretary of State must be complied with', while 50 and 51 stated 'that failure to comply with a direction can result in the imposition of a significant financial penalty.' It was possible for a 'power of direction under clause 43' even to 'displace a statutory requirement.' The Secretary of State was required (under Clause 55) to 'lay copies of directions given before Parliament', they would do so only after it had been issued, or not at all 'if the Secretary of State considers that it would be contrary to the interests of national security to do so.' Recognising the genuine need which the Bill fulfilled, the Committee nonetheless found that 'the provision of a power effectively to supplant the requirements of statute by way of ministerial direction is of constitutional significance.' It also drew attention to the potential for the Secretary of State to withhold details of directions issued from Parliament.

43) The Committee discussed further delegated powers contained in the Bill. Finding them 'extensive', it nonetheless recognised that 'this reflects the technical nature of this area of law, the fact that the security of network and information systems was previously governed primarily by EU laws, and the need for a regime that is responsive to a fast-moving field.' However, it noted that clause 40 'requires the Secretary of State to report to Parliament "at least once every five years" on the operation and effectiveness of…regulations' issued under the Bill. The Committee recommended that this stipulation 'should be strengthened to require more regular reporting.' The committee complained that a failure on the part of the government to publish 'a full European Convention on Human Rights memorandum' alongside a statement of compliance had limited 'parliamentary scrutiny of the Bill.'

44) **The various issues identified by the Constitution Committee reveal that government attempts to create delegated powers remain a subject of concern. It involves Parliament being asked to create expansive powers without having a clear idea of how they are likely to be used and over which – once they are enacted – it will have a less than satisfactory degree of oversight. Furthermore, it seems that various factors – including Brexit, technological change, and geopolitical challenges to democracy – are creating added pressure for the introduction of delegated powers, to enable swift responses to complex challenges. We acknowledge the difficult environment in which government operates, and accept that delegated powers in some form can have a proper role in our constitutional system. However – especially given that one of the key justifications for the introduction and deployment of these authorities is the defence of democratic values – it is crucial that they are only resorted to when strictly necessary, are designed with key constitutional norms in mind, and are subject to suitable parliamentary constraint in both their enactment and use. Delegated powers are also significant from a rule of law and human rights perspective, since they can suffer from a lack of clarity, they can lead to arbitrary processes and outcomes; and can involve the denial of individual freedom. Delegated powers present a problem in themselves in the present, and possibly a tool in the hands of malign actors in future.**

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).

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45) **On 12 February, Chris Wormald left his post as Cabinet Secretary and Head of the Civil Service. This occurrence signified a continuation of a tendency towards abrupt departures of senior officials. While the removal of senior officials has become more normal, their replacements have been selected through structured processes under the Civil Service Commission and replaced on merit by other experienced civil servants/diplomats. Were the UK to move towards a different model of appointment, careful attention would need to be given to the implications, especially with regard to propriety.**

46) In April, Antonia Romeo, successor to Wormald as Cabinet Secretary and Head of the Civil Service, published (with the approval of the Prime Minister) her individual objectives for 2026-2027. They explained that:

> ***The Cabinet Secretary and Head of the Civil Service is responsible for:***
>
> *1) Leading official delivery of the Government's and Prime Minister's priorities in support of the Government*
>
> *2) Acting as the Prime Minister's principal policy adviser*
>
> *3) Supporting proper and effective Cabinet Government and decision-making*
>
> *4) Reforming the Civil Service so that it is recognised for excellence in delivery, innovation and improved productivity*
>
> *5) Leading an impartial, curious and engaged Civil Service, with a culture of pride that comes from high performance*

47) **A number of tasks attached to the Cabinet Secretary involve key areas of interest for our Group**. Within subcategory '2) Acting as the Prime Minister's principal policy adviser', one of the objectives is to:

> *Provide the Prime Minister with objective and high-quality advice on propriety issues, including via administration of the Ministerial Code, the Civil Service Code and Special Advisers' Code of Conduct.*

48) Objective '3) Supporting proper and effective Cabinet Government and decision-making' includes within it the requirement to:

> *Act as a steward for the democratic system of government and guardian of the constitution,*
>
> *protecting the interests of former governments and Ministers, and preparing for the long term.*
>
> *Ensure the Civil Service retains the confidence of all political parties by demonstrating impartiality and integrity.*

49) **We welcome the clear statement of the Cabinet Secretary being 'steward for the democratic system of government' and being 'guardian of the constitution'; though it is a responsibility that must be shared with many others. Its fulfilment requires commitment at the highest ministerial, alongside official, level. We hope that the government will be held to account by Parliament and others for its fulfilment in this area. We note also that there is a lack of clear support for civil servants in ensuring constitutionally appropriate behaviour. A model that might be considered appropriate for adaptation and application in this field is that used for ensuring sound financial management. It includes Accounting Officers being able to request instructions for expenditure about which they have concerns, and scrutiny from the Committee of Public Accounts in the Commons.**

50) On 1 July, the outgoing Starmer administration announced a 'Review into the Organisation, Performance and Transformation of the Permanent Civil Service'. It set out the following terms of reference:

> ***Context and Objective***
> *The Civil Service serves the duly elected Government of the day and supports it to develop and implement its policies and in delivering public services, in line with the Civil Service Code.*
> *The Government has outlined its intention to strengthen the delivery, accountability, innovation and productivity of the Civil Service, and to consider proposals to safeguard its impartiality and core values within the constitution, to enhance trust and confidence in the institutions of government.*
> *The Cabinet Secretary and Head of the Civil Service will lead a wide-ranging, fundamental review into the constitution, organisation and performance of the permanent Civil Service, with the aim of setting out a vision for its future as a world class institution serving the duly elected government of the day, building on its existing strengths.*
> ***Scope***
> *The review will consider the wide range of activities undertaken by the Civil Service, at home and abroad, in every organisation and department.*
> *The final report will include proposals on:*
> - *strengthening accountability and capability to deliver for the country and for citizens, now and for the future, focusing on:*
>   - *delivery,*
>   - *innovation and productivity, and*
>   - *pride and trust;*
> - *safeguarding its impartiality and core values, including refreshing the Civil Service Code; and*
> - *enhancing trust in the Service by Ministers, Parliament and the public.*
>
> *The review will consider:*
> - *size, shape, and structure of the future Service;*
> - *AI and technology as enablers of delivery and transformation;*
> - *current and future capabilities;*
> - *performance management;*
> - *accountabilities and reporting lines;*
> - *reward, remuneration, and incentives;*
> - *recruitment systems to attract and retain the best talent in all regions across the country;*
> - *core values and the Code; and*
> - *statutory basis of the Service.*

51) **The review is due to complete its work and publish a report before the summer of 2027. We welcome this inquiry, the terms of reference of which give clear weight to the important role of the civil service in underpinning our system of government, making reference to the maintenance of 'impartiality and core values within the constitution'.**

52) **We note that other parties have potentially more radical intent with regard to the Civil Service.** On 24 May, the Reform UK MP Danny Kruger's publication *Fixing the Centre: Proposals for the heart of government* appeared. Key proposals it made were to:

- *Abolish the Cabinet Office and the role of Cabinet Secretary and create a new Office of the Prime Minister under a powerful political Chief of Staff*
- *Create a new Department of the Civil Service charged with major headcount reduction, AI adoption and improved terms to incentivise high performance*
- *Restore responsibility for policy and delivery to Departments and make Ministers properly accountable to Parliament*
- *Give Ministers real powers to hire and fire civil servants, reward high-performing officials and recruit top talent from the private sector*
- *Scrap quangos and return their powers to government*
- *Co-locate Ministers in a new Combined Ministerial Office*

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).

May 2026 elections in Wales and Scotland

53) The May 2026 devolved elections saw national parties in Wales and Scotland secure the most votes and seats; and form governments (in Northern Ireland, Sinn Fein is already the largest party in the devolved legislature). For the first time, therefore, parties with at least the long-term objective of leaving the UK held office in all three territories. The Plaid Cymru manifesto committed the party to a number of constitutionally significant initiatives:

> *Devolved taxes*
> *Knowing that the current system is long overdue for reform, we will work to make Council Tax fairer. We will also examine how Land Transaction Tax can be reformed to better support first-time buyers.*
> *We will reform and rebalance business rates so that high street businesses in hospitality, leisure and retail, on which thriving town centres depend, are better supported.*
> *We will ensure that best use is made of existing tax powers, while pressing the UK Government to devolve powers to introduce a Vacant Land Tax and to set made-in-Wales income tax bands…*
>
> *Devolving Justice and Policing*
> *The case for devolving justice and policing to Wales – as in Scotland and Northern Ireland – is open and shut. It has been made conclusively by the Silk Commission, the Thomas Commission and, most recently, the Independent Commission on the Constitutional Future of Wales.*
> *The Welsh Government has responsibility for areas that directly interact with policing and the justice system – health, education, housing and social services – including providing these services in prisons and to young offenders. But policing, the courts and prisons themselves are*

all reserved to Westminster. This makes it impossible to meaningfully reform the justice system in Wales, and much more difficult to deliver services in a way that is joined up, efficient and delivers the outcomes or value for money we need and want.

Any further work on whether justice and policing should be devolved is a distraction, and the UK Government's decision to scrap Police and Crime Commissioners provides new impetus for these powers to be devolved.

We will pursue the devolution of justice and policing as an immediate priority…

Future Welsh democracy

Closed lists were not our preferred option for reforming the Senedd's electoral system. Wales needs a fair voting system that is proportional, representative and gives voters real choice.

As we work to strengthen our democracy, we will:

- *Use the review mechanism in the Senedd Cymru (Members and Elections) Act to conduct a full review of Senedd electoral arrangements, examining the health of Welsh democracy. At the same time, we will identify legal pathways to deliver equal gender representation.*
- *Consider advice from the Innovating Democracy Advisory Group on how to give people in Wales a more active voice in decision-making at all levels of government.*
- *Work to build a cross-party majority for adopting the Single Transferable Vote (STV) for future Senedd elections, and examine options for innovations such as job-sharing for Senedd candidates, to further improve diversity of representation.*
- *Renew the process of electoral reform in local authorities, with the aim that STV is adopted for local government elections.*
- *Strengthen the teaching of political and media literacy in schools, so that every learner understands how democracy in Wales works, and has the critical skills to navigate mis- and disinformation.*

We will strengthen integrity in politics and public life, and ensure that deliberate deception has consequences – including legislating to extend Hillsborough Law principles and the duty of candour where UK legislation does not fully cover devolved functions and Welsh public bodies.

We will defend devolution and resist attempts to undermine or weaken it, while securing more of the levers we need to build a fairer, more prosperous Wales.

We know that the way the UK is currently structured and governed is unsustainable. Change is both necessary and likely, and a responsible government must prepare for it. Our nation is on a journey to independence, and we will work in partnership with the people of Wales to set out what the next steps on that journey can look like.

We will establish a new National Commission for Wales, responsible for:

- *Bringing forward and overseeing processes for devolving the Crown Estate, rail services and infrastructure, and justice and policing – all as recommended by the Independent Commission on the Constitutional Future of Wales.*
- *Engaging citizens in an ongoing national conversation about the options for Wales's constitutional future – building on the best practice established by the Constitutional Commission in connecting constitutional change to the issues that people care about and affect them in their daily lives.*
- *Researching key political and economic questions relevant to Wales's constitutional future, to inform debate and decision-making.*

- *Laying the foundations for a future White Paper on Welsh independence – addressing the challenges and setting out the opportunities and positive changes independence would bring for Wales.*

We fundamentally believe that the decision on Wales's political and constitutional future belongs to the people of Wales.
We will therefore formally request that the right to decide on the timeline, question and process for an independence referendum be devolved.

54) The Scottish National Party manifesto also contained content related to independence, though the electoral objective it set was not secured:

The people of Scotland have the right to decide their own future.
The SNP believes that in a rapidly changing world, our power is in our independence.
The power to shape our future the way we want.
To ensure that people living in Scotland benefit from our vast energy resources. To restore our membership of the EU as the best way to ensure our economic prosperity and long-term security.
But to unlock that power, we must come together in this election and demand that Scotland's right to decide is respected.
The only time Westminster has ever respected Scotland's right to decide was when, at the 2011 election, the people of Scotland delivered a majority of SNP MSPs.
A vote for the SNP is a vote for a referendum on independence. Based on the 2011 precedent, an SNP majority at this election is a mandate for the transfer of powers to the Scottish Parliament to enable an independence referendum to be held.
Your first SNP vote at this election will deliver an SNP Government.
It delivers a better NHS, GP walk-in clinics, help with the cost of living, the first-time buyers' deposit, a growing economy, and a massive increase in childcare that leaves no one behind.
Your second SNP vote delivers independence.
It secures a majority that will lay the path to a referendum. A referendum that we will win.
A vote for the SNP on May 7th is a vote to put Scotland's future in Scotland's hands. And let Scotland decide.

55) In February, the Constitution, Europe, External Affairs and Culture Committee of the Scottish Parliament had issued a report on 'Options for a legal mechanism for triggering any independence referendum'. The Committee recorded that 'within the context of both international law and the UK constitution, Scotland has no legal right to unilaterally secede nor to unilaterally hold a referendum on the question of independence. But of equal importance, the people of Scotland have a democratic right to determine Scotland's constitutional future.' It found that '[i]t is problematic that no established mechanism exists for ensuring that, in appropriate circumstances, the wishes of the people of Scotland can be expressed'. The Committee recommended 'that steps should be taken to address this democratic anomaly. This should include the agreement, regardless of the UK's political priorities, of a trigger mechanism which would allow the people of Scotland to exercise their democratic right to determine Scotland's constitutional future if they so wish.'

Legal developments in Wales

56) Legislation banning greyhound racing in Wales was passed by the Senedd in March 2026. The Greyhound Board of Great Britain challenged the legislation claiming that there had been a failure of process. The High Court dismissed the application for judicial review, ruling that the Bill had been introduced lawfully; that the court should not be an arbiter of processes within the Senedd, and that the 'constitutional separation of powers….is applicable to relations between the courts of Wales and the Senedd as much as between the courts of England and Wales (and Scotland) and the Westminster Parliament.'

57) Section 13 of the Government of Wales Act 2006 came into effect on 27 June and now requires the Welsh Ministers to make provision against false or misleading statements of fact made to affect who is elected to the Senedd.

Intra-UK relations

58) In March, the Constitution, Europe, External Affairs and Culture Committee of the Scottish Parliament published a report on *Transparency of intergovernmental activity and its implications for parliamentary scrutiny*. It engaged with concerns expressed repeatedly by this Group, including regarding problems with the viability of the Sewel Convention and with mechanisms for the conduct of intergovernmental relations (IGR). The findings of the Committee included that 'the IGR process should be less ad hoc, with a formal, transparent and structured schedule of interministerial meetings'. There was, the Committee held, 'a need to strengthen joint reporting of interministerial meetings through a strengthened IGR secretariat.'. It made a series of proposals for ways in which this secretariat should be strengthened. The Committee expressed the view 'that after more than a quarter century of devolution there remains significant concern around levels of understanding of the powers and role and of the devolved governments and legislatures within Whitehall.' The roles of the different legislatures should be enhanced.

The Burnham premiership and devolution

59) **We hope that, under the Burnham government, levels of cooperation with the devolved institutions will improve, and this is an area to which we will return in future reports.**

60) An area in which the Burnham government announced a constitutional initiative was that of further regional devolution in England. We will return to this issue.

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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Issues with legislation

61) The June House of Lords Constitution Committee report on the National Security (State Threats) Bill identified issues with the proposed legislation that engaged the rule of law. It noted that Clause 2 of the Bill created 'three new offences of supporting a designated body for a prohibited purpose, which is defined as "a purpose that the person knows, or having regard to other matters known to them ought reasonably to know, is prejudicial to the safety or interests of the United Kingdom".' The Committee found the offences to be 'cast in broad terms: where a person invites support for, or expresses an opinion or belief that is supportive of, a designated body; arranges, manages or assists in arranging, a meeting which the person knows is to support a designated body; or addresses a meeting which the person knows is to support a designated body or further the activities of a designated body.' Furthermore, in those 'cases where a person arranges or manages a meeting (or assists in doing so) which the person knows is to be addressed by a person who belongs or claims to belong to a designated body, a 'no reasonable

cause to believe' defence applies if it is a private meeting, and if it can be shown that the person had no reasonable cause to believe that the address would support a designated body or further its activities.' Yet such a 'defence is not applied to the other offences in Clause 2.'

62) The Committee therefore proposed that 'the House…consider whether the "no reasonable cause to believe" defence should be applied to the range of offences introduced by clause 2.' It also asked 'the House to consider whether a "public interest defence" should be introduced to ensure that those speaking at a public meeting but with "no reasonable cause to believe" that the meeting would support a designated body or further its activities are not caught by these offences.'

63) Moreover, while the government stated 'that these offences are without prejudice to diplomatic immunity and humanitarian assistance', this position was 'not clearly stated on the face of the Bill.' The House, the Committee proposed, might 'wish to seek an explanation from the Government as to why the Bill does not explicitly state that these offences are without prejudice to diplomatic immunity and humanitarian assistance.' It held that House should consider that the 'no reasonable cause to believe' and 'public interest' defences should also be applied to the two new offences of 'assisting a designated body'; and the possibility of there being a 'reasonable excuse defence' for the new offence 'of obtaining, accepting, or retaining material benefits from a designated body'.

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. *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.

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

6 January: Scottish Justice Secretary Angela Constance is found to have inadvertently breached the ministerial code

7 January: The Prime Minister Sir Keir Starmer announces that MPs will have a vote in any future deployment of British soldiers to Ukraine

13 January: Plans to make digital-ID mandatory to establish an employee's right to work are abandoned by the government

15 January: 28 councils across England ask the government for permission to delay elections in May 2026

19 January: Concerns over the status of intelligence officers under the proposed Hillsborough Law lead the government to avoid the planned final Commons debate

21 January: The parliamentary commissioner for standards rules Nigel Farage MP failed to appropriately declare over £350,000 in donations

22 January: It is reported the government will drastically reduce the number of police forces in England and Wales from 43 to 12 as part of a significant reorganisation

23 January: The Scottish Information Commissioner launches a legal action against the Scottish government over missed disclosure dates on documents relating to an investigation into Nicola Sturgeon

25 January: Labour's national executive committee prevents Mayor of Greater Manchester Andy Burnham from running in the Gordon and Denton by-election

26 January: The Home Secretary Shabana Mahmood confirms that the government's plans for police reorganisation will not include devolving power over policing to Wales

27 January: The parliamentary commissioner for standards rules that Liz Saville Roberts MP failed to declare almost £50,000 of donations to a cross-party group she chairs

29 January: Local Government Secretary Steve Reed confirms 30 councils have requested a postponement for planned May 2026 elections

February

1 February: Northern Ireland First Minister Michelle O'Neill accuses the government of partiality over The Northern Ireland Troubles Bill 2024-26

2 February: Police announce an investigation into former US Ambassador Lord Mandelson over misconduct in a public office following the emergence of previously unseen documents linking him to Jeffrey Epstein

4 February: Conservative Party leader Kemi Badenoch tables a Humble Address compelling the government to release all papers, communications and vetting files relating to Lord Mandelson's appointment, the motion passes

7 February: The Times reports Cabinet Office minister Josh Simons MP previously hired a PR firm to investigate one of its journalists

8 February: The Prime Minister's Chief of Staff Morgan McSweeney resigns over the appointment of Lord Mandelson

9 February: Leader of the Scottish Labour Party Anas Sarwar MSP calls on Keir Starmer to resign as Prime Minister

11 February: The Representation of the People Bill appears before the Commons

12 February: Sir Chris Wormald is forced to resign as Cabinet Secretary

12 February: The government begins its response to the Humble Address of 4 February

13 February: The High Court rules the proscription of Palestine Action under terrorism legislation was unlawful
16 February: The Prime Minister orders a Cabinet Office investigation into the previous conduct of Josh Simons
16 February: After legal advice suggesting delays to local elections might prove unlawful, the government discontinues plans to pause 30 local authority elections
17 February: Opponents allege Scottish government involvement in a delay to the hearing of the criminal case against Peter Murrell. It later emerges that John Swinney was briefed some weeks before by the Lord Advocate
19 February: Dame Antonia Romeo is appointed as Cabinet Secretary
23 February: Lord Mandelson is arrested and released in connection with misconduct in a public office charge
24 February: The Senedd votes to give legislative consent to the Terminally Ill Adults (End of Life) Bill
28 February: Josh Simons resigns as a Cabinet Office minister

March
6 March: It is reported the government will allow the creation of more Conservative life peers to ease the passage of the Hereditary Peers Bill through the House of Lords
6 March: Conservative peer Lord Chadlington announces his retirement from the House of Lords after the Lords standards commissioner recommends a one-year suspension from the House
10 March: A leaked memorandum from Keir Starmer to government ministers suggests the UK government should be prepared to proceed with legislation without the consent of the devolved legislatures
11 March: The Senedd standards commissioner rules Janet Finch-Saunders MS used public resources for party political purposes
12 March: The information commissioner threatens further legal action over the Scottish government's failure to produce documents relating to the commission's investigation into Nicola Sturgeon
13 March: The Prime Minister's independent adviser announces he will not investigate the Prime Minister over his appointment of Peter Mandelson as US ambassador
17 March: The Scottish Parliament votes against the Assisted Dying for Terminally Ill Adults (Scotland) Bill
17 March: The Senedd passes the Member Accountability and Elections Bill
18 March: The House of Lords (Hereditary Peers) Act 2026 receives royal assent
18 March: The Prime Minister calls for the sacking of the shadow justice secretary Nick Timothy MP after the latter calls a collective Muslim prayer in public an "act of domination and division"
24 March: Scottish Reform Leader Lord Offord denies being homophobic after apologising for "inappropriate joke"
25 March: The Senedd approves alteration to its deposit return scheme to include glass
25 March: The House of Lords votes to approve a proposal to ban social media for those under the age of 16
26 March: The Prime Minister denies allegations his Chief of Staff Morgan McSweeney deliberately misled investigators over the theft of his mobile phone to avoid scrutiny
28 March: The President of the Maldives refuses to recognise the UK agreement to transfer the Chagos Islands to Mauritius

April

1 April: The government announces it will pursue closer economic ties with the EU
3 April: A national democracy protection unit is assisting police forces to ensure MPs' safety following threats
10 April: The government delays the Chagos Islands deal after US intervention
15 April: Campaigners for the Hillsborough Law write an open letter to the government criticising delays in introducing the legislation
15 April: Following a live television debate, Anas Sarwar calls Malcolm Offord a 'liar' and a 'pathetic, poisonous, odious little man'
16 April: Sir Olly Robbins is removed as Permanent Secretary of the Foreign Office by the Prime Minister after failing to inform the latter that Lord Mandelson had failed security vetting for his role as US ambassador
20 April: Sir Olly Robbins describes being put under 'pressure' over Lord Mandelson vetting procedure
20 April: The Prime Minister accuses Foreign Office officials of deliberately withholding information on Lord Mandelson's security vetting
21 April: Four Labour Party activists are charged by police over manipulating candidate selections
22 April: The FDA accuses the Prime Minister of improper behaviour over his decision to sack Sir Olly Robbins
24 April: The Terminally Ill Adults (End of Life) Bill runs out of time in Parliament after a number of House of Lords amendments
25 April: The Prime Minister is accused of breaching the Ministerial Code for failing to disclose a meeting with a US tech firm the previous year
28 April: MPs vote 335 to 223 against establishing a parliamentary investigation into the Prime Minister over the appointment of Lord Mandelson as US Ambassador
29 April: The English Devolution and Community Empowerment Act receives royal assent

May

7 May: Local and mayoral elections take place alongside Senedd and Scottish Parliament elections
8 May: Plaid Cymru become the largest party in the Senedd and the SNP remain the largest party in the Scottish Parliament
11 May: A number of UK government ministers announce their resignations following a loss of confidence in the Prime Minister
13 May: The King's Speech announces 35 Bills and draft bills
14 May: Wes Streeting MP resigns as Health Secretary stating he has lost confidence in the Prime Minister
14 May: Andy Burnham announces his intention to run the Makerfield by-election. He will resign as Mayor of Greater Manchester if he is elected
15 May: Labour's national executive committee approve Andy Burnham candidacy for the Makerfield by-election
19 May: The government confirms that, in response to a parliamentary question, that it has no plans to codify the UK constitution
21 May: Andy Burnham is confirmed as Labour's candidate for the Makerfield byelection
21 May: The government lays down a statutory instrument before Parliament which ensures mayoral elections use the supplementary vote system. This becomes law on 18 June

June

1 June: The government publishes over 1500 pages of documents relating to the appointment of Lord Mandelson as US ambassador
5 June: Andy Burnham confirms that if he is successful in the Makerfield by-election he will challenge Keir Starmer for leadership of the Labour Party
8 June: Anti-immigration riots in Belfast, spurred on by social media, require a significant police response
11 June: John Healey resigns as Defence Secretary
15 June: The government unveils plans for a social media ban for those under the age of 16
16 June: The UK and EU announce a joint summit on strengthening ties post-Brexit
18 June: Andy Burnham wins the Makerfield by-election, by-elections also occur in Aberdeen South and Arbroath and Broughty Ferry
19 June: Andy Burnham confirms he will challenge Keir Starmer for leadership of the Labour Party
22 June: Keir Starmer announces his future resignation as leader of the Labour Party and Prime Minister
22 June: A jury finds Sir Jeffrey Donaldson, former leader of the Democratic Unionist Party, guilty of 18 counts of sexual abuse, including one count of rape
25 June: Labour's national executive council announces the timetable for the Party's leadership election, which could see the leader selected as early as 17 July
25 June: SNP whistleblowers suggest they were intimidated over raising concerns relating to Peter Murrell's expenses
25 June: The Home Office announces it will utilise three more military sites to house asylum seekers
29 June: In a speech for the Labour leadership, Andy Burnham announces the proposed creation of a 'Number 10 North' alongside other proposals for devolution
29 June: Former Rishi Sunak aide Craig Williams MP pleads guilty in charges relating to placing bets on the date of the 2024 general election
30 June: Eve Samson is appointed as the next Clerk of the House of Commons

Appendix C: Excerpts

Excerpts from House of Commons Public Administration and Constitutional Affairs Committee report, *Ministerial Statements and the Ministerial Code*; and the government response of 14 May.

The relevant passages of the *Ministerial Code* were as follows:

> Chapter 9: Ministers and Parliament
> General principle
> 9.1. When Parliament is in session, the most important announcements of government policy should be made in the first instance in Parliament.
> Timing and form of announcement
> 9.2. Even when government announcements are not of major importance, their timing may require careful consideration in order to avoid clashes with other government publications, statements or announcements, or with planned parliamentary business. The offices of the Leader of the House of Commons, the Chief Whip and the Prime Minister should be given as long an opportunity as possible on all important announcements. Bids for oral statements should be co-ordinated via the Leader of the House of Commons.
> 9.3. Every effort should be made to avoid leaving significant announcements to the last day before a recess.
> Oral statements
> 9.4. Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House until the agreement has been given by the private secretaries to the Prime Minister, the Leader of the House of Commons and the Chief Whip. The Leader of the House of Lords and Lords Chief Whip should be consulted where a statement is to be made in the House of Lords in the first instance.
> 9.5. Ministers should provide clear titles to both oral and written statements wherever possible. A copy of the text of an oral statement should usually be shown to the Opposition shortly before it is made. For this purpose, copies of the statement and associated documents should be shared electronically with the Chief Whip's office at least 45 minutes before the statement is to be made. At the same time, a copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.
> 9.6. Every effort must be made to ensure that where a former minister or a ministerial colleague and/or a fellow MP/Peer is mentioned in a statement or report which prompts a ministerial statement, he or she is given as much notice as is reasonably possible.

Government response

> *2. The Government takes its obligations to Parliament seriously. The Prime Minister and the Leader of the House regularly remind Cabinet of the importance of these obligations, and of the associated need to ensure that Parliament is respected, that members on all sides of the House are well informed and that the Government is able to be scrutinised effectively.*
> **The Ministerial Code**
> Conclusion, paragraph 19. *We believe that as currently drafted the Ministerial Code does not encapsulate effectively the general principle governing the relationship between ministers and*

Parliament. The general principle would be better framed around general government and ministerial accountability to Parliament. Any direction about the making of policy announcements is simply an articulation of how this principle should operate in practice.

3. The Government agrees that the wording of the 'General Principle' in Chapter 9 should be broadened to reflect the principles of ministerial accountability to Parliament which are already set out in Chapter 1 of the Ministerial Code. These principles mirror those contained in the House of Commons Resolution on Ministerial Accountability, which was agreed by the House on 19 March 1997 (Official Report columns 1046–47). We agree that the description of ministerial accountability should be consistent throughout the document to ensure there is no ambiguity regarding the expectations placed upon Ministers. The Government will look to update the language in Chapter 9 of the Ministerial Code to reflect the definition established in Chapter 1 at the next available opportunity.

Conclusion, paragraph 24. *We consider the House to be 'in session' at all times outside of recess, prorogation and dissolution, not just when it is sitting. It is accepted that the business of government continues during recess and ministers will need to respond to events.*

Recommendation, paragraph 25. *However, major planned policy announcements when the House is not in session should be restricted to those which are time sensitive or otherwise exceptional. Where it is necessary to make a major announcement when the House is in session but not sitting then a minister should come to the House at the earliest opportunity to inform the House and allow for scrutiny and consideration. The content of this statement should acknowledge that the normal practice of making the announcement first to Parliament was not followed and provide an explanation.*

4. The Government partially accepts this recommendation and agrees with the Committee's definition of 'in session'. As the Committee has recognised, it is not always possible to notify the House of the most important announcements first, for example where the Government is responding to events during recess. On such occasions the Government remains committed to ensuring that the details of announcements are made available to the House at the earliest opportunity, including through oral and written ministerial statements. Where necessary or appropriate, the Government will seek to update the House through alternative channels as soon as possible, such as sending letters to the relevant select committee chairs and opposition spokespeople.

Conclusion, paragraph 29. *The term 'most important' is inevitably subjective. However, it is the responsibility of ministers individually and the Government collectively to be aware of the expectations of Parliament and maintain the confidence of the House. We do not believe that it is practical to produce rigid criteria to make decision-making more objective but believe the membership of the House can assess the Government's compliance with this aspect of the principle on a case-by-case basis. Government should pay close attention to the mood of the House and, where concern is raised, give serious consideration to adjusting the thresholds they are using to evaluate the importance of policy or other announcements.*

5. The Government fully recognises that the House should have the opportunity to scrutinise and debate decisions, particularly those which are important to Parliament and the public. The Speaker's role in granting Urgent Questions is another important mechanism in enabling that scrutiny.

6. The Government takes a number of factors into consideration when making decisions about oral statements, including the interests of the House, and the business of the day. The Leader of the House of Commons, alongside the Chief Whip and No.10, will continue to work with Ministers across government to ensure departments are updating the House in the most appropriate and

timely ways. In addition to oral statements, there are a number of ways that the Government keeps the House updated, including written ministerial statements, responses to oral and written parliamentary questions, debates, and responses and appearances at select committees.

Conclusion, paragraph 34. I*n the context of the Code as currently drafted, making the most important statements in the first instance to Parliament means doing so before they are made to the media and not at the first available opportunity thereafter. Apart from exceptional circumstances it should be considered a breach of the general principle, and disrespectful to the House, for an announcement considered to be one of the most important to be made to the media first, even if it is repeated to the House later that same day.*

Recommendation, paragraph 35. *We consider the word 'should' in the general principle to be ambiguous without good cause. Replacing it with the word 'must' would send a clear signal to Ministers and others about the expectations of the House and give confidence to the electorate that Members can do their scrutiny jobs effectively.*

Conclusion, paragraph 39. *Careful regard needs to be given by government to the balance between a legitimate trailing of a statement and the deliberate or inadvertent provision of information to the media that is so substantive that it could be considered a breach of the general principle set out in the Ministerial Code.*

Conclusion, paragraph 40. *However, the media environment has changed significantly in recent years, and the provisions on the need to make the most important statements of government policy to Parliament first have remained substantively the same since the Code was introduced in 1997. It may well be the case that this section of the Code needs to be modernised to reflect the 'Parliament first' principle while also recognising that governments must seek to communicate their policies effectively to the public they serve.*

7. The Government welcomes the Committee's recognition of the changing media environment and the importance of the Government being able to effectively communicate policies to the public they serve. We recognise a balance must be struck between the constitutional role of our Sovereign Parliament in holding the Government to account and allowing it to scrutinise and debate policy, particularly the most important announcements of government policy, and ensuring that the elected government can inform the public of policy changes in the most timely and effective manner.

8. The Government acknowledges the Committee's concerns about the Code as currently drafted, and will look to update the language.

9. The Government rejects the recommendation at paragraph 35. As the Committee itself has recognised, it is not always possible for the Government to make announcements to the House first, for example, when the House is not sitting.

Conclusion, paragraph 41. *The responsibility for complying with the Code rests with the Government. The Government should either make every effort to comply with the Code, or to re-write it. Although it is the Prime Minister's document, we expect that any substantial re-writing of the Code in this area should be done in consultation with Members of the House and that the House should then be given an opportunity to consider any implications that flow from the changes for its own resolutions.*

10. The Government acknowledges the Committee's concerns about the Code as currently drafted, and will look to update the language. The Code sets out the Prime Minister's expectations of all who serve in government. The contents of the Code are a matter for the Prime Minister, rather than Parliament - and successive governments have taken that approach.

11. The Government remains committed to working constructively with Members to ensure any changes continue to allow Parliamentarians to uphold their role in scrutinising and debating the Government's policies effectively.

Conclusion, paragraph 43. *It is not possible to have an exhaustive list of all the circumstances which could be considered an exception to the normal principles relating to the making of major policy announcements. We accept that there are various such circumstances, including factors beyond the control of the Government, such as where announcements may be international. We expect the House to be sympathetic on those occasions when a good argument is made for an announcement being made exceptionally in breach of the general principle in the Ministerial Code.*

Recommendation, paragraph 44. *Where an exceptional circumstance does arise and a major policy is announced first elsewhere, a minister must, as a sign of respect towards Parliament, make a statement to the House at the earliest opportunity, which would include the reasons for breaching the general principle.*

12. The Government partially accepts this recommendation. As the Committee has recognised, it is not always possible to notify the House of the most important announcements first. For example, there are occasions when developments or announcements will occur when the House is not sitting, or will develop later in the day and the events or context change. By convention, oral statements are also avoided where possible on Opposition days, and it is generally not appropriate to make planned oral statements at certain times - for example, during the debate on the King's Speech. However, on such occasions the Government remains committed to ensuring that the details of announcements are made available to the House at the earliest appropriate opportunity.

Practice during this Parliament

Conclusion, paragraph 56. *In the examples cited, we do not agree that the publication of associated documents ahead of statements met the expectations of the general principle of the Code. However, subject to the Government making proper attempts to be open and transparent with Members, preferably through the timely and proper use of written ministerial statements, and to refrain from substantive prior trailing of the contents of these documents in the media, we accept that the general principle could be met through this route, however we would expect an oral statement to follow within a reasonable timeframe to provide Members with an appropriate opportunity to question Ministers. At all times we would expect the Government to follow the 'Parliament first' principle.*

Conclusion, paragraph 57. *We believe that scrutiny is improved when Members have greater access to relevant information, and we recognise that publication of significant documents in advance of statements could meet the 'Parliament first' principle while allowing Members time to put together more substantive questions for a later oral statement.*

13. The Government welcomes the Committee's recognition that the timely publication of documents and the use of written ministerial statements are an important means for keeping the House updated. However, as noted above, it is not always possible to notify the House of the most important announcements first, for example where the Government is responding to events during recess. On such occasions the Government remains committed to ensuring that the details of announcements are made available to the House at the earliest opportunity, including through written ministerial statements.

14. While the Government strives to provide the House with as much notice as possible, the current procedural requirements for written ministerial statements can sometimes create challenges for the timely release of information, particularly in fast-moving situations. Under the existing guidance, the Government must give notice of their intention to make a written statement in the House of Commons before the House rises the previous day, or by 3pm on Friday for Monday. By comparison, in the House of Lords, written statements may be made when the House is sitting by Ministers or the Senior Deputy Speaker. Notice is not required. The

Government would welcome the views of the House, and specifically the Procedure Committee, on whether current notice requirements for written ministerial statements remain optimal and enable Parliament to be updated at the earliest opportunity. We are keen for the House to explore whether more flexible or modernised notice arrangements in exceptional circumstances could better facilitate the "timely and proper" use of written statements as advocated by the Committee.
Conclusion, paragraph 61. *Sitting time is finite and there will always be a tension between the various demands of the House. Statements and urgent questions play an important role in the effective scrutiny of government, but in concentration they can significantly affect the amount of time available for the other business before the House.*
Conclusion, paragraph 62. *The House has regularly considered issues relating to sitting times and the prioritisation of business. The Government can propose, and the House can consider, procedural options to mitigate these issues in the short term, for example, notwithstanding Standing Orders or agreeing to Business of the House motions. It is also able to consider the findings of wider reviews, to provide sustainable long-term changes in this area. We believe this is beyond the remit of this inquiry, but it is an issue that another committee of the House may want to address.*
Recommendation, paragraph 64. *We encourage the Government to always consider the potential for using Business of the House motions to protect non-government business in the House, particularly opposition business, from the impact of planned statements.*
15. The Government notes this recommendation. When arranging oral statements the Government tries to ensure this is balanced with the main business of the day, other upcoming relevant parliamentary business and the interests of the House. By convention, oral statements are avoided where possible on Opposition days. However, there are occasions where statements are unavoidable and it is important that the Government makes such announcements to the House. The granting of Urgent Questions is a matter for the Speaker.
16. It is important to ensure there is as much certainty as possible of sitting times for Members as they seek to balance the different aspects of their role. The Government would not wish to unintentionally undermine this certainty by overusing ad hoc business motions that provide for business to run later into the day. Where there have been unavoidable oral statements on Opposition days, the Government has always looked to protect time for the business.

Written Ministerial Statements

Recommendation, paragraph 72. *We encourage the Government to make more effective use of written ministerial statements to inform Members about the publication of documents related to major government announcements, even when those announcements may themselves be the subject of an oral statement.*
17. The Government accepts this recommendation. The Government is committed to updating the House and written ministerial statements remain an appropriate mechanism for doing so. As set out in the Guide to Parliamentary Work, Departments bidding for an oral statement are encouraged to also table a written ministerial statement for the same day, ensuring departments fulfil their obligations to Parliament.

Ministerial Accountability and Sanctions

Recommendation, paragraph 81. *We recommend that an addition be made to Chapter 2 of the Ministerial Code to commit the Prime Minister to issuing a written statement upon reaching a final decision where he has determined a breach of the expected standards has occurred. This written statement should set out the basis for the decision and the action he is taking as a result.*

18. The Government disagrees with this recommendation. As set out above, the Ministerial Code sets out the Prime Minister's expectations of all who serve in government. The contents of the Code is a matter for the Prime Minister, rather than Parliament - and successive governments have taken that approach.

19. The Prime Minister is already regularly held to account by Parliament for their decisions. There are established and robust mechanisms for the House to scrutinise such matters, most notably through Prime Minister's Questions (PMQs) and appearances before the Liaison Committee. These forums provide ample opportunity for Members of Parliament to question the Prime Minister on their determinations regarding ministerial conduct and the rationale behind any sanctions.

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