

Statement by Sir Malcolm Rifkind MP on proposals by the Conservative Committee chaired by Kenneth Clarke MP on how to deal with the “West Lothian Question”.

“ I warmly welcome the proposals announced today. If implemented they will resolve, to a substantial degree, the unfinished business of devolution – namely the handling of English business in Parliament at a time when comparable business for Scotland, Wales and Northern Ireland has been devolved to the elected parliaments and assemblies of those parts of the United Kingdom.

The proposals are identical to those that I recommended for the Committee Stage and Third Reading of England-only Bills.

They are, however, significantly different as regards Second Reading and Report stage. By leaving the Second Reading to be voted on by all MPs this will mean that legislation that only applies to England could receive a Second Reading and be approved in principle even if it was unacceptable to a majority of MPs representing English constituencies. Thus the legislation on tuition fees, foundation hospitals or fox hunting would still have been approved.

Such legislation, under the Clarke proposals, would now be subject to amendment to meet English wishes which is very much to be welcomed. However, these amendments could not reverse the basic objective of such a Bill which had been approved by the House of Commons as a whole, as any attempt to do so would be designated a “wrecking amendment” and ruled out of order.

There is also a difficulty with regard to the proposed Report stage which would reserve voting rights to English

MPs alone. If Report stage was to continue to be taken on the floor of the House of Commons this would introduce , for the first time in our history, a prohibition on MPs voting in divisions that were taking place, not in Committee, but in the House as a whole. As over a hundred MPs could be affected by such a prohibition this would give rise to accusations, however, unfair of there being two classes of MP.

There is a way by which these two problems could be dealt with without altering the main thrust of the Clarke proposals. There could be a requirement that at Second Reading and at Report stage, for a vote to be carried on amendments to an England-only Bill, the vote, to be declared carried, would need a majority both of the House as a whole and of MPs representing English constituencies.

Such a “double-majority” requirement would provide full protection to England for measures that did not command majority support amongst English MPs while preserving the basic unity and equality of the House of Commons as whole.”