



A new structure for interparliamentary relations in a devolved Great Britain and Northern Ireland



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A new structure for interparliamentary relations in a devolved Great Britain and Northern Ireland

A report by
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List of acronyms

BIPA	British-Irish Parliamentary Assembly
EU	European Union
F-IMSC	Finance–Inter-Ministerial Standing Committee
IG	Intergovernmental
IGR	Intergovernmental Relations
IMC	Inter-Ministerial Committee
IMG	Inter-Ministerial Group
IMSC	Inter-Ministerial Standing Committee
IPF	Interparliamentary Forum
IPR	Interparliamentary Relations
JMC	Joint Ministerial Committee
LCM	Legislative Consent Motion
MLA	Member of the Legislative Assembly (Northern Ireland)
MoU	Memorandum of Understanding
MP	Member of Parliament (House of Commons)
MS	Member of Senedd Cymru
MSP	Member of the Scottish Parliament
PM	Prime Minister
SPG	Study of Parliament Group
UK	United Kingdom

INTRODUCTION

1. This report follows up a fruitful discussion at the Study of Parliament Group's annual conference in January 2022 when parliamentarians from both Houses at Westminster and from each of the devolved legislatures encouraged the Group to produce concrete proposals for the development of interparliamentary relations.¹ A study group of academics and officials from Westminster, the Scottish Parliament, the Senedd and the Northern Ireland Assembly, working jointly with the Hansard Society, was formed and met together on several occasions during the year to discuss ideas. The report, however, is the responsibility only of the authors identified.

POLITICAL BACKGROUND

2. The emerging quasi-federal organisation of the UK, developed over what is approaching a quarter century, is under new strain.
3. The situation of the four nations of the UK is now very different from that which existed at the start of the post-1997 devolution dispensations. Then, the UK, Wales and Scotland were all controlled by Labour, or Labour-led, governments, all committed to maintaining the Union. The Belfast/Good Friday Agreement had brought a new settlement to Northern Ireland and a near-cessation of the violence that had marred politics there.
4. Since the UK general election of 2010, Conservative-led coalition or single-party governments in London have cohabited with governments in Scotland and Wales led by different parties, and, since the Scottish election of 2007, that country has been governed by a party committed to establishing an independent nation. Since 2021, Northern Ireland has had distinctive arrangements vis-à-vis the UK and the EU.
5. The UK's departure from the EU, fiercely resisted by the Scottish and Welsh governments and rejected by a majority of the electorate in Northern Ireland, involved the repatriation from the EU to the UK of large areas of policy which engaged many areas which came under devolved competence – in particular in the areas of environment, agriculture, fisheries and regional development.
6. A further factor that has raised awareness of the challenges of managing devolution has been the COVID-19 pandemic. The fact that public health was largely devolved meant that each of the devolved jurisdictions had to make its own choices about the measures to be adopted to protect their populations. The consequence was that different and distinct law and

¹ The parliamentarians were: Clare Adamson MSP (Convenor, Constitution, Europe, External Affairs and Culture Committee, Scottish Parliament); Baroness Andrews (Chair, Common Frameworks Scrutiny Committee, House of Lords); Karen Bradley MP (Chair, Procedure Committee, House of Commons); Huw Irranca-Davies MS (Chair, Legislation, Justice and Constitution Committee, Senedd Cymru); and Matthew O'Toole MLA.

guidance obtained in England and in the devolved jurisdictions. The heads of government became far more visible, and the recognition of the roles of their devolved Legislatures and administrations in matters affecting the day-to-day lives of citizens became inescapably evident.

7. Most recently, 2022 saw what has been described as “muscular unionism” from parts of the Government in London. However, the return of Michael Gove as Minister responsible for intergovernmental relations is a cause for cautious optimism that things will improve.

INTERGOVERNMENTAL AND INTERPARLIAMENTARY RELATIONS

8. The events of the last few years have brought with them an increasing focus on the failure of intergovernmental (and, less discussed, interparliamentary) co-operation to keep pace with developments in devolution. These complaints are by no means new.

INTERGOVERNMENTAL RELATIONS

9. The Joint Ministerial Committee (JMC) was the original mechanism established to facilitate intergovernmental relations (IGR) between the UK government and the devolved governments. It swiftly, and consistently, came under attack for its *ad hoc* and ramshackle nature, lack of organisation, infrequency of meeting and opacity of proceedings. After a long period of gestation, the Review of IGR, which had been commissioned in March 2018, was finally published in January 2022 – having been submitted to the Prime Minister in November 2019.² Meanwhile the Dunlop Review of how Whitehall was geared-up to deal with devolution, commissioned in 2019, was published in March 2021.³
10. The IGR review introduced a tiered system of forums for furthering intergovernmental relations. These were:
 - Inter-Ministerial Groups (IMGs) (essentially subject or “portfolio” based);
 - An Inter-Ministerial Standing Committee (IMSC) which would provide a co-ordinating and dispute-resolution role;
 - A Finance Inter-Ministerial Standing Committee (F-IMSC) to consider fiscal matters, led by the Treasury;
 - *Ad hoc* and time-limited Inter-Ministerial Committees (IMCs) to consider specific issues which could not be effectively dealt with

² Cabinet Office and Department for Levelling Up, Housing and Communities, [Review of Intergovernmental Relations](#), 13 January 2022.

³ [Review of UK Government Union Capability](#) (The Dunlop Review), November 2019.

within the portfolio groups;

- The Council, bringing together the PM with the heads of devolved governments.

The structure was to be supported by a small secretariat comprising officials from all the participating governments.

11. The Government statement at the time of publication concluded by saying that:

*"The governments are accountable to their respective legislatures for the conduct of intergovernmental relations and will seek to promote a wider understanding of this activity. All governments commit to increased transparency of intergovernmental relations through enhanced reporting to their respective legislatures."*⁴

Thus the IGR Secretariat was committed to supporting development of enhanced accountability to the Legislatures.⁵

INTERPARLIAMENTARY RELATIONS

12. In terms of Interparliamentary Relations (IPR),⁶ as far back as May 1999 the House of Commons Procedure Committee in its report on *The Procedural Consequences of Devolution* noted:

*"Our witnesses hoped that there would be good working relationships between the Select Committees of this House and Committees of the devolved legislatures. The Scottish Affairs Committee has said "we see no reason why [this Committee] should not invite MSPs to sit jointly with it in London or Edinburgh". Mr Barry Jones MP, Chairman of the Welsh Grand Committee suggested that the Committee might invite Members of the Assembly to sit with it. The Northern Ireland Committee also hoped it would be possible to hold joint meetings with colleagues from the Northern Ireland Assembly ... If there is a desire to hold formal joint meetings it may be possible to find a solution to the problems they pose ..."*⁷

A few years later, Commons Standing Orders were amended to allow the Welsh Affairs Committee to meet jointly with Committees of the then

4 Review of Intergovernmental Relations (13 January 2022), para.22; see also Michael Gove MP, Chancellor of the Duchy of Lancaster, '[Update on UK Government's work to strengthen the Union and Intergovernmental Relations](#)', House of Commons, Hansard, 24 March 2021, HCWS 885.

5 For convenience, we use the term 'Legislature' to cover the House of Commons, the House of Lords, the Northern Ireland Assembly, the Scottish Parliament and Senedd Cymru.

6 The best overview of limited IPR developments up to 2018 is [Evans, A., "Inter-parliamentary relations in the United Kingdom: devolution's undiscovered country?", *Parliaments, Estates and Representation*, Vol.390, 2019, Issue 1, pp.98-112.](#)

7 House of Commons Procedure Committee (1998-99), [The Procedural Consequences of Devolution](#), HC 185, paras.41-48.

Assembly – a change that remains unique to Wales.⁸

13. In 2009 the Commission on Scottish Devolution (the Calman Commission) recommended that:

*"Any barriers to the invitation of members of committees of one Parliament joining a meeting of a committee of the other Parliament ... to share information, or hold joint evidence sessions, on areas of mutual interest ... should be removed."*⁹

14. In 2013, the Commission on the Consequences of Devolution for the House of Commons (the McKay Commission) recommended the establishment of a Devolution Select Committee at Westminster, though it was intended principally to deal with problems of intersection and overlap in legislative competences rather than matters of policy or intergovernmental relations in the broader sense.¹⁰

15. In 2014, the Commission on the Future Governance of Scotland (the Strathclyde Commission) proposed the creation of "a Committee of all the Parliaments and Assemblies of the United Kingdom" to "consider the developing role of the United Kingdom, its Parliaments and Assemblies and their respective powers, representation and financing".¹¹ In the same year, the Commission for the further devolution of powers to the Scottish Parliament (the Smith Commission) recommended that "formal processes should be developed for the Scottish Parliament and UK Parliament to collaborate more regularly in areas of joint interest in holding respective Governments to account".¹² Again, in the same year, in its second report, the Commission on Devolution in Wales (the Silk Commission) recommended that:

*"...there should be improved inter-parliamentary cooperation to increase mutual understanding of the work of the National Assembly and both Houses of Parliament, especially in terms of committee-to-committee cooperation (including attendance by Ministers from each administration at Committees of the other legislature) ..."*¹³

16. Although little action was taken during the relatively placid period up to 2010-11, by 2015 the Scottish Parliament's Devolution (Further Powers)

8 The powers have not been used to date.

9 Commission on Scottish Devolution (The Calman Commission), *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century*, June 2009.

10 [Report of the Commission on the Consequences of Devolution for the House of Commons](#) (The McKay Commission), March 2013, pp.63-68.

11 [Commission on the Future Governance of Scotland](#) (The Strathclyde Commission), The Scottish Conservatives, May 2014, p.8.

12 [Report of the Smith Commission for Further Devolution of Powers to the Scottish Parliament](#), 27 November 2014, para.29.

13 Commission on Devolution in Wales (The Silk Commission), *Empowerment and Responsibility: Legislative Powers to Strengthen Wales*, March 2014, p.162, Recommendation No.54.

Committee was strongly advocating better interparliamentary dialogue and scrutiny of IGR, in its eighth report.¹⁴ The Commons Public Administration and Constitutional Affairs Committee and the Lords Constitution and EU committees have shown an active interest in the topic. The Senedd's Constitutional and Legislative Affairs Committee published a report in July 2018 recommending a Speakers' Conference on IPR.¹⁵ The Lords Liaison Committee called in 2019 for consideration to be given to "... providing dedicated resources for inter-parliamentary dialogue within the United Kingdom"¹⁶ and the Commons Liaison Committee in September 2019 recommended that:

*"... the Clerk of the House negotiate with the chief executives of the devolved legislatures to establish a jointly-owned "shadow" secretariat of a UK-wide co-ordinating body to undertake feasibility studies and prepare options for the establishment of an effective, but not over-formalised, UK interparliamentary body based around the committees of each UK legislature."*¹⁷

17. Despite all this, development of IPR has, at best, been embryonic and it needs frankly to be acknowledged that nice words about the desirability of better IPR have not been matched by any real enthusiasm to do anything, especially in the House of Commons where the need for and desirability of working with the devolved legislatures have been seen as a priority by too few MPs – even those who are strong advocates of the Union.
18. There has been some welcome progress. A former informal network of UK-wide EU committees (EC-UK) transformed itself in 2017 into the Interparliamentary Forum on Brexit, bringing together parliamentarians from Westminster, Edinburgh and Cardiff, along with officials from Belfast. It held its first meeting at the House of Lords on 12 October 2017 in response to the recommendation of the House of Lords European Union Committee that the structures for interparliamentary dialogue within the United Kingdom should be strengthened, to support more effective scrutiny of the Government's handling of Brexit.
19. In March 2018 the forum considered "a longer-term perspective on the operation of intergovernmental relations in the UK and the implications of

14 Scottish Parliament, Devolution (Further Powers) Committee, Eighth Report, 2015 (Session 4), [Changing Relationships: Parliamentary Scrutiny of Intergovernmental Relations](#).

15 National Assembly for Wales, Constitutional and Legislative Affairs Committee, [UK Governance Post-Brexit](#), Fifth Assembly, February 2018, para.138, Recommendation 5. There had been a Speaker's Conference on Devolution convened a century earlier. See [Evans, A., "A Lingering Diminuendo? The Conference on Devolution, 1919-20"](#), *Parliamentary History*, Vol. 35, Issue 3, October 2016, pp.315-335.

16 House of Lords Liaison Committee, Sixth Report of Session 2017-19, [Review of House of Lords Investigative and Scrutiny Committees: Towards a New Thematic Committee Structure](#), HL Paper 398, para.167.

17 House of Commons Liaison Committee, Fourth Report of Session 2017-19, [The Effectiveness and Influence of the Select Committee System](#), HC 1860, para.294.

Brexit for these relations,” stating that: “we recognise that the current system of intergovernmental relations in the UK is not fit for purpose and that there is an urgent need for substantial reform in the context of the Brexit process. This process will also present substantial challenges for legislatures across the UK in scrutinising these processes. Consideration of future inter-parliamentary collaboration on the issue of Brexit represented a significant strand of discussion.”¹⁸

20. The Forum met on eight occasions before the pandemic intervened. A Minister from the host jurisdiction usually attended, though not invariably. Attendance was relatively small (generally around a dozen Members). There was also a marked lack of consistency in attendance. The Forum issued press statements after each meeting but there was otherwise no formal record of its proceedings, which were held in private.¹⁹

THE INTERPARLIAMENTARY FORUM

21. There was a fresh start in February 2022 when a replacement Forum was constituted and terms of reference agreed. It is titled simply the Interparliamentary Forum (IPF). The Lord Speaker (formerly an MP for a Scottish constituency) has made a particular point of endorsing and encouraging its work, and this report will, we hope, give further impetus to its development. As the reconstituted Forum builds on work since 2017, so we want to build on the current Forum. We set out some ideas for how an enhanced model for future interparliamentary cooperation might work, and offer some practical solutions. The IPF’s predecessor Forum had itself recognised in 2019 that “more formal structures” would be necessary “at some point”.²⁰
22. Further development is indeed necessary. The Forum is a modest but useful step forward towards interparliamentary cooperation. Its work has met with general approval from the committees of all the legislatures and it has some influential supporters in all the legislatures. Some improvements could be achieved easily – for example, by encouraging membership continuity or increasing each legislature’s membership to four or five members. However, the Forum is generally little-known, and its outputs have been modest.
23. Taking their lead from the Forum, the separate legislatures through their Commissions also now need to come together to take control of the parliamentary dimension of IGR/IPR and give it a sense of clarity and purpose and resource it sufficiently. Otherwise the governments will retain

¹⁸ Interparliamentary Forum on Brexit, [Statement after the 6th Meeting](#), 17 January 2019.

¹⁹ For a useful analysis of the work of the Forum see Sheldon, J. and Phylip, H., [Strengthening interparliamentary relations in the UK: first steps and possible future directions](#), UK Political Studies Association Specialist Group on Parliaments, 5 December 2019.

²⁰ Interparliamentary Forum on Brexit, [Statement after the 6th Meeting](#), 17 January 2019.

the initiative and control. Though there are cultural and political differences between the various legislatures, the common desire for co-operation in executive oversight that has been apparent in the IPF and its predecessors gives us optimism that future development can be achieved.

THE BRITISH-IRISH PARLIAMENTARY ASSEMBLY

24. A useful comparison may be drawn with the British-Irish Parliamentary Assembly (BIPA), established originally as the British-Irish Parliamentary Body in 1990 under the auspices of the Interparliamentary Union to promote mutual understanding between Westminster and the Oireachtas. In 1999, the Belfast/Good Friday Agreement established the British-Irish Council to bring together Ministers from Dublin, Westminster, the devolved institutions in Belfast, Cardiff and Edinburgh, and the Isle of Man, Jersey and Guernsey. The Agreement also stated that:

*"The elected institutions of the members will be encouraged to develop inter-parliamentary links, perhaps building on the British-Irish Inter-Parliamentary Body."*²¹

Accordingly, the Body transformed itself into the Assembly, and extended its membership to include representatives of the devolved legislatures and those of the Crown Dependencies.

25. The BIPA has continued to hold regular biannual plenaries and has established a system of four committees reporting (very much in the manner of select committees) on aspects of UK-Irish relations and related matters. It is funded (to the tune of around £300K a year) jointly by the Oireachtas and the two Houses of Parliament and maintains a very small full-time secretariat supported by very part-time staff from Westminster and Dublin clerking the committees and providing media relations and organisational support. The membership is appointed by the legislatures on an enduring basis between elections.
26. However, the implication of the Belfast/Good Friday Agreement that the Assembly would provide a form of accountability for the British-Irish Council has not been realised, though the Assembly is currently reviewing this situation as the 25th anniversary of the Belfast/Good Friday Agreement approaches.²² That report emphasises for us the importance of giving any new IPR body a clear function beyond promoting friendship and parliamentary diplomacy. That is why we consider that the creation of the new IGR structures, described above, should be the stimulus to some further thinking about IPR in the context of the UK family of nations, now outside

²¹ [The Belfast Agreement: An Agreement Reached at the Multi-Party Talks on Northern Ireland](#), Cm 3883, April 1998, Strand 3, Para.11, p.14.

²² See for example, [British-Irish Parliamentary Assembly, Consolidating the bilateral relationship between the UK and Ireland](#), Committee A (Sovereign Matters), October 2022.

the European Union.

A STIMULUS TO MOVE FORWARD

27. The creation of the new IGR structures announced in January 2022 provides a valuable focus for further IPR development, and one of the key features of what we propose is based on an accountability mechanism for the new IGR architecture.
28. No legislature has been invited to endorse the proposed new structures for IGR, and this points to one of the key issues that the legislatures should seek to address. While the January 2022 statement pays lip service to parliamentary accountability, it is for the legislatures themselves to make that a reality. The proposed IGR structure reflects the increasing assumption of executive dominance in decisions about the governance of the UK after departure from the EU, and an increased tendency to centralisation. The legislatures should be prepared to work together to challenge this assumption of executive dominance in decisions which affect all parts of the state and which engage widely with devolved competences.
29. We also recognise that there will be a great deal of intergovernmental work outside the formal IGR structures that should also be subject to interparliamentary scrutiny. In particular, there are legislative consent issues, delegated legislation issues, common frameworks issues and issues about treaty negotiations that need to be considered between the legislatures. We comment on these issues below.
30. Though enhanced accountability of IGR is a primary purpose of IPR, an important secondary purpose would be to foster the enhancement of understanding and parity of esteem between legislatures, as well as information-sharing and burden-sharing between them. The IPF should also help ensure that the devolution process is dynamic and fruitful and that difficulties and problems are constructively addressed. Indeed the purpose of IPR could be expressed by a re-tweaking of the first two principles of the new IGR structure:

*"Maintaining positive and constructive relations, based on mutual respect for the responsibilities of the legislatures and their shared role in the governance of the UK; and building and maintaining trust, based on effective communication."*²³

²³ See Cabinet Office and Department for Levelling Up, Housing and Communities, [Review of Intergovernmental Relations](#), 13 January 2022.

SOME FIRST STEPS

31. Ideally, the limited progress so far made with the IPF would best be enhanced by the five legislatures collaborating to fund and staff a full-time Secretariat for the IPF. However, we recognise that this may not be feasible in a time of tightened public expenditure. But it would be realistic and feasible at least to provide for the immediate appointment of a single official who would have responsibility for IPR across all the legislatures and who would work closely with officials from each. Without dedicated professional support to drive things forward, it is highly unlikely there will be greater progress on IPR than has been achieved over the last decade or two.
32. It is important that this official ("the co-ordinator") (and the larger secretariat that we hope will develop in future) be collectively owned by the five legislatures and not sub-contracted to only one of them. To the extent that it needs a political "board" this function could, at least initially, be delegated to the chairs/convenors of the committees currently engaged in the IPF. Alternatively, or additionally, the "board" could comprise the chairs/convenors of the committees or groups which have a co-ordinating role for committees in each of the legislatures.
33. This co-ordinator/secretariat would be tasked with building and maintaining relations with the IGR secretariat and facilitating the transmission of information from the ministerial committees to the legislatures, but the traffic would be two-way.
34. The co-ordinator/secretariat would also assist the specialist committees of the legislatures to build on the foundations laid down by the IPF. The IGR review sets out the portfolios for Inter-ministerial Groups broadly on the basis of the responsibilities of UK government departments. This will make it simple to identify which of the Commons' departmental select committees will be primarily responsible for scrutinising the work of any particular IMG. The other legislatures are likely to allocate this role according to the existing accountability links between the ministers attending any particular IMG and the committees to which they are primarily answerable.
35. In collaboration with the IGR secretariat, the IPR co-ordinator/secretariat would guarantee the flow of information about meetings and agendas of the different IMGs and the F-IMSC to the relevant committees of the legislatures. The relevant committees would then be able to determine whether they wished to take evidence and hold hearings either before or

after meetings of IMGs to consider the matters they were discussing. Where *ad hoc* IMCs were formed to consider particular issues, the co-ordinating committee of the IPF could seek to facilitate the formation of appropriate groupings of the committees of the legislature to scrutinise their work.

36. During the semi-formal development of the IPR system, we would hope that the chair/convenor of the liaison committees/groups of each participating legislature would encourage committees to hold joint sessions to consider the work of their IMGs. A necessary precursor is for each legislature to remove any unnecessary barriers to such joint meetings so that the committee groups can, if they so choose, work together formally as well as informally, as well as produce joint outputs, including reports. There should be an established expectation, preferably codified in some form of MoU, that the relevant Ministers of all jurisdictions would co-operate with these groups.
37. The development of a distinct parliamentary identity for the scrutiny of intergovernmental relations would be aided by convening the occasional (initially at least annual) plenary of the chairs and convenors of the participating committees to consider matters of mutual interest and, especially, to give a political focus to the advancement of IPR. This plenary should be organised around meetings of the IMSC and the IGR Council of heads of government, and would ideally engage with members of the Standing Committee and the Council in the form of receiving statements on its proceedings and conclusions and allowing the opportunity for questions.

THE DEVELOPMENT OF THE INTERPARLIAMENTARY BODY

38. Over time we would hope to see the development of the IPF into an Inter-Parliamentary Body. This will happen most naturally if, as we anticipate, the IPF works well together and itself sees the need for a more formal body. This has been the trajectory followed by the British-Irish Parliamentary Assembly. The precise make-up for this would be expected to emerge from the experience of working together, but we would anticipate that its structure would be more formalised and its membership more clearly defined rather than comprising an ever-shifting combination of committee representatives from the legislatures.
39. The task for the formal body will be wider than holding to account the IGR bodies. We believe there is a need for a forum in which the wider issues of devolution can be discussed between members of the five legislatures. It

should also be a force for improving communication and understanding of the devolution settlements and the respective roles of the devolved legislatures within all the parliamentary bodies.

WHAT MIGHT AN INTERPARLIAMENTARY BODY LOOK LIKE?

40. We are clearly some way away from the establishment of the Body which we think desirable. But it is still worthwhile to sketch out the principles for such a body, not least to indicate many of the issues that would need to be thought through. Some of the ideas here might meanwhile be adopted by the existing IPF.

WHAT WOULD THE BODY DO?

41. It would be the primary purpose of the Body to monitor intergovernmental activity in the organs of IGR. However, it is important to recognise that much intergovernmental activity does not take place through these formal channels, and that the Body should have the freedom to manoeuvre within its terms of reference as is normal for parliamentary committees.
42. The relationship of the Body to the existing framework of scrutiny committees operated by each of the legislatures will be key. Above, we endorsed the frequent recommendations that any unnecessary barriers to co-operation between these committees should be removed. We hope that in the first, informal, phase of development, building on the work of the IPF, these committees will form the bedrock of scrutiny of the IGR committees. But such work requires planning and co-ordination for which resources are not currently allocated. We would expect the co-ordinating service which we propose above would begin to develop these mechanisms.
43. In the more formal phase, where the Body begins to crystallise into a recognised permanent institution, with a clear mandate and its own resources, the question will arise as to whether it should form its own committees or integrate into the interparliamentary work of the existing committees. One way of doing this would be to ensure that the membership of the Body, and therefore of any sectoral committees set up under the aegis of the Body, to be drawn principally from the relevant committees of each legislature. By this means the essential continuity between the day-to-day work of the legislatures and the Body would be established, helping to maintain the Body's political salience and relevance as well as reducing duplication of effort and enabling the research and other support services already allocated to these committees to be effectively used to multiply the

resources of the Body.

44. Depending on the choices made about the overlap between membership of the Body's committees and those of individual legislatures, the rules of each legislature should provide for joint hearings with Body Committees, and the principles agreed across legislatures ought to specify how Body Committees might work with sectoral committees in the legislatures – such a linkage is likely to be key to the Body's success.
45. There are other areas in addition to scrutiny of the Executives' work within the IGR structures that the Body would need to consider.
46. While it will rightly remain the responsibility of individual legislatures to decide on Legislative Consent Motions (LCMs), the way in which they are considered in general would certainly be a matter for the Body, as well as the opportunity for *ad hoc* joint work and engagement during periods where LCMs are under consideration in relation to Westminster legislation to which the Sewel Convention applies.
47. Common Frameworks – the 140 areas where there are UK-wide rules to govern areas previously subject to EU law – are another area that the Body should consider, both in terms of the form of the Frameworks and the way they operate in practice.
48. Similarly, Treaties that deal with areas of devolved competence are natural areas for the Body's scrutiny.
49. Finally, there is an increasing tendency by governments throughout the UK to use delegated legislation instead of primary legislation. Where this is done by different governments on the same subject, that is an area ripe for the Body and its Committees to monitor.
50. It is important to emphasise that the Body would not diminish in any way the individual legislatures' rights and responsibilities as far as the scrutiny of their own Executives is concerned. Instead it would complement, and therefore enhance, those rights and responsibilities.

MECHANISM FOR ESTABLISHMENT

51. Primary Westminster legislation to establish the Body is unlikely – and is undesirable precisely because only the Westminster Parliament could consider that legislation. However, the Body should be recognised in each legislature in its Rules of Procedure/Standing Orders. Each legislature should also adopt a common set of Principles for the Rules of the Body. Detailed

Rules for the way the Body operated would then be agreed by the Bureau of the Body.²⁴

COMPOSITION

52. The Body's membership should be open to any primary law-making legislature, though the Crown Dependencies and potentially other similar bodies could have an Observer role.²⁵ The size of the Body should recognise the balance between having enough members to operate effectively through committees (though see our comments earlier about the possibility of populating the committees using the committees of each legislature), and the difficulty for smaller legislatures of having too high a proportion of its members absent at the Body.
53. To demonstrate parity of esteem, all legislatures should be represented with equal numbers of members; but each legislature should decide how to appoint members and to deal with vacancies according to its own practices, recognising that electoral cycles vary. So far as practical, delegations should represent the composition of a legislature as a whole, and the aim should be for continuity of service. Each legislature's delegation would have a Leader chosen according to that legislature's own practices.

PLACE OF MEETING

54. Though it might be desirable to have a "seat", the acquisition of a building is unlikely to be practical/affordable – and the choice of location could be controversial. This means that there should be a rotation of meeting places between the legislatures.
55. The experience of the legislatures during the pandemic restrictions has demonstrated that business can be conducted effectively through hybrid in-person/virtual and purely virtual means. While this may defeat some of the purpose of plenary sessions, committees, however structured, might be able to take advantage of technology to conduct their work with more efficient use of busy delegates' time.

PRESIDENCY

56. A Presiding Officer could either be directly elected by the Body, or be appointed by its Bureau. They would be responsible for deciding whether matters were within the competence of the Body, and would be the principal spokesperson for Body – they would not be a neutral Speaker in the House of Commons mould. There would be a Bureau consisting of the

²⁴ There would need to be a fall-back position if a Legislature refused to adopt these common Principles for Rules – perhaps to create the Body without that Legislature participating.

²⁵ How England might be represented is an interesting question: the recent report from the House of Commons Public Administration and Constitutional Affairs Committee is relevant. See [Governing England](#), 3rd Report of Session 2022-23, HC 463, 31 October 2022.

delegation leaders from each legislature and the Presiding Officer. The Bureau's functions would be the organisation of business for Plenary and Committee and administrative and financial control. It should also have responsibility for external communications and transparency. It would also own the budget for the secretariat and other functions of the Body.

57. The Bureau would, under its rules of procedure, work by consensus and have the ability to act on behalf of the Body between meetings. The Governments' representative(s) (including officials) should be able to attend and speak at the Bureau.

METHODS OF OPERATION

58. The Body would meet in plenary and committee, and there would be a quorum – perhaps one third of its members and at least three legislatures represented – that would apply both in plenary and committees. The default position would allow hybrid virtual and physical meetings, open to the public and broadcast – though some of the value of plenary meetings especially will be diminished by virtual attendance.
59. Because each legislature would have equal numbers of members, there would be no voting either in plenary or committees. The emphasis and ambition would be to proceed always by consensus, though there would need to be a facility for members to register dissent.
60. Ideally the plenary and committees should both meet over a concentrated period – for example, a day and a half of Committees, followed by a half-day Plenary, although committees could work virtually so as to reduce the length of these mini-sessions. Sessions might eventually take up between three and five two-day sittings a year, with the possibility that the Bureau could convene an extraordinary session (this is a substantially smaller commitment than membership of the Parliamentary Assembly of the Council of Europe). So far as possible, meetings would be coordinated with the meetings of the Interministerial Standing Committee or of the PM and Heads of Devolved Governments Council.
61. It would be for the Body to determine its own committee structure, but it is likely that there would be a small number of broadly thematic Committees reflecting the IG structures, with the facility to establish *ad hoc* working groups as well. Arrangements for, and any restrictions upon, committees meeting outside sessions, or travelling independently, would need to be determined.

ACCOUNTABILITY

62. Accountability requires that Ministers and government officials must answer to the Body. This can be provided for in each legislature's Standing Orders/ Rules of Procedure. So, for example, Ministers should be required to respond to Opinions issued by the Plenary Body or its Committees. They (and their officials) would be expected to attend the Body and its Committees, though a decision would need to be taken on the extent of their answerability (would it only be on matters considered by IG organs, or would it extend to any matter that could be considered intergovernmentally?). Primary legislation would, however, be necessary to give the Body powers of summons, and any immunities and privileges appropriate.
63. The Body would itself need to account to member legislatures, perhaps by a Report after each Plenary session to be laid and debated, or by oral statements made by delegation leaders. Legislatures might also be able to refer matters to the Body.

SECRETARIAT AND FUNDING

64. The secretariat might follow the template of the intergovernmental secretariat. Officials would be independent of the different legislatures' administrations, though many are likely to be seconded from those legislatures.
65. The secretariat and costs of meetings etc would be funded centrally with each legislature paying an appropriate share. Each legislature would meet the costs of travel and subsistence of its own members.

CONCLUSION

66. This report is not definitive. It leaves many questions unanswered, and it probably gives the wrong answer to other questions. But it is intended to stimulate discussion and to move forward a debate that has stuttered in the past. The authors hope that those inside the legislatures and governments who are concerned with these matters will find it of some use, and particularly that the Interparliamentary Forum, the Speakers/Presiding Officers and Clerks/Secretaries General will do so.

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