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Slick Modernisation has Damaged UK Constitution, says Politeia pamphlet. Lasting settlement now needed to preserve UK's fundamental freedoms, urges senior lawyer

In the stampede to 'modernise' over the past decade, the Government has imposed a number of fundamental changes on the UK's Constitution. Far from improving – or clarifying - matters, these have resulted in confusion, if not a slide to constitutional anarchy. The three pillars on which the UK's liberty has rested have been damaged: the accountability of parliament to the voters, parliament's powers to hold the Government to account and the independence of the judges.

How has this happened? In *ABC: A Balanced Constitution for the 21st Century*, Martin Howe, QC*, explains that different parts of the UK Constitution have been dismantled. First, parliament's role has changed in a number of ways. Devolution has led to less democracy both for Scotland and England: Scottish MPs are unable to determine some matters vital to their constituents, but allowed to decide the same questions for England. House of Lords reform has become a euphemism for an upper chamber packed with government favourites, but whose role is undermined. Parliamentary debate has been cut short by the Government's using the guillotine, or avoided by the use of much criticised statutory instruments – including those to impose EC directives. The independence of the courts too is under threat as judges have been brought into political decisions. And The Human Rights Act 1998, has led to a new set of problems, distorting the Government's response to terrorism.

What can be done? The author proposes a series of measures designed to redress the imbalance of power. The problems created by devolution must be addressed, and preparations made for a new system of English votes for English measures. Parliament itself needs strengthening with adequate powers to scrutinise effectively primary and secondary legislation and control statutory instruments. The functions and composition of the House of Lords should also be addressed. Looking to the EU: the powers exercised over the laws of the UK at European level must be subject to UK decision making. As for the courts: while they should be left out of questions of political judgment (which ought to be for elected MPs), Howe suggests the appointment of judges should be reassessed. Can there, be a judiciary 'which takes decisions with political content unless ... judges [are appointed] on a political basis'? As Howe concludes:

A lasting constitutional settlement is needed to reverse 'the vulnerability of our constitution to partisan manipulation' and to overcome the 'weaknesses of relying on gentlemanly respect for conventions...where...relics of the past are regarded with contempt rather than respect'.

ABC: A Balanced Constitution for the 21st Century: is published by, and available from, Politeia, 22 Charing Cross Rd, WC2H 0QP at £5.00. **The text will be available by e mail to journalists on application by response to this message.** Enquiries to Martin Howe QC: martin.howe@8newsquare.co.uk or to Politeia on 0207 240 5070, e-mail, info@politeia.co.uk.

*Martin Howe QC is a practicing Queen's Counsel specialising in European law and intellectual property law. He is the author of *Tackling Terrorism: The European Human Rights Convention and the Enemy Within* (2001,2003).