

Constitutional change?

I will soon be submitting some thoughts to the government on possible constitutional reform.

The last Parliament submitted our constitution to a battering, as an alliance of MPs from all the Opposition parties aided by a few Conservatives who subsequently left the party worked with the Speaker and the law courts to delay or prevent Brexit. In acting in this way they opposed the decision of the majority in the referendum which most of them had previously pledged to honour. The Labour and former Conservative ones also reneged on or redefined their promise to see Brexit through, made to win the 2017 election.

The main issues that arise include:

Fixed Term Parliament Act

This became a major problem, preventing a government from holding an early election to resolve the tensions Parliament could not sort out. The Act also showed it was eventually meaningless, as we held three elections in four years under a law designed to limit elections to once every five years.

It should be repealed, leaving the power to hold an election at any time up to 5 years in the hands of the majority in the Commons. The Commons needs to have this option, as it also has the option of expressing or withdrawing confidence in any given government.

Powers of the courts to settle political and Parliamentary issues

The decision of the Supreme Court to delay Brexit by nine months to require an Act of Parliament prior to sending a letter necessitated by the referendum result was unhelpful and very costly to the country.

The decision of the Supreme Court to prevent a prorogation of Parliament which was only slightly longer than the normal September recess was seen by many as a partisan decision as it was designed to allow those who wanted to stop Brexit more time to debate and vote on it.

These two decisions were damaging to our constitution. It is most important most people more of the time believe in the impartiality of the court system and believe the judgements are fair and reasonable. Major issues of constitutional significance need to be decided by Parliament so both sides can put their case and the decision is made by majority vote, reflecting the votes of the people in a previous election.

These decisions were seen by many Brexiteers as being decisions to delay or prevent Brexit, however good the legal reasoning. It would have been better if the Supreme court had said in both cases they were not matters for a court but matters for Parliament to resolve, or a for a General election to settle.

The respective roles of government, Parliament and courts in prerogative

matters needs clarifying, with more protection of the courts by removing their competence in matters relating to how Parliament conducts its business or how government with Parliament undertakes its Treaty roles and international negotiations.