



CENTRE FOR POLICY STUDIES

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**SPEECH TO THE CENTRE FOR POLICY STUDIES
BY THE RT HON WILLIAM HAGUE MP
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**CHANGE AND TRADITION:
THINKING CREATIVELY ABOUT THE CONSTITUTION**

Introduction

Let me begin by thanking Brian Griffiths, Tessa Keswick and all at the Centre for Policy Studies for providing me with this platform.

It is particularly appropriate that my first major speech on the constitution as Conservative Leader should be to the CPS. In recent years the CPS has been in the vanguard of Conservative thinking about our constitutional arrangements.

That a Conservative think tank should have started thinking creatively about the constitution is in itself significant.

For decades, Conservatives have tended to dismiss constitutional change as a subject best left to student radicals and obscure late night television programmes.

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The merits of our existing constitutional arrangements were so self-evident, we believed, that it was hardly worth making the intellectual case for them. After all, they had provided us with three centuries of domestic peace, prosperity and accountable government.

Even when in recent years we were forced to come out and defend the constitutional status quo, we found it impossible to engage the interest of the British people. We had allowed the language of our constitution to become so abstract and unfamiliar that phrases such as "sovereignty", "the supremacy of Parliament", "the rule of law", even the word "constitution" itself, are literally meaningless to most people.

We are now paying the political price for that neglect. The constitutional vandalism in which this Government is now engaged is of much less concern to most people than the physical vandalism they see at their local bus shelter.

It is bewildering for many Conservatives. For so long all we have been is the defenders of the status quo, and we now find the status quo is fast disappearing. And what is more, we also find that the public is at best bemused and at worst uninterested.

We have to accept the deeply unpalatable truth. The next Conservative Government will find itself operating under a very different constitution to the one the last Conservative Government left behind.

We will have Scottish Home Rule and a Welsh Assembly. We will almost certainly have an incorporated Bill of Rights too. We may also have a voting system which ignores the will of the electorate, a giant quango instead of a Second Chamber, a politicised judiciary and unaddressed feelings of English nationalism. And we could well find ourselves some way down the road to a United States of Europe, with all that entails for national sovereignty and accountability.

Like First World War villages after week-long bombardments, many of the familiar landmarks of our constitution will have been obliterated in Labour's ferocious assault.

Let me say at this point that I do not propose to look at the far-reaching constitutional implications of Britain's membership of the European

Union. They merit a whole speech in themselves, which I intend to deliver in May.

Instead I want to look at Labour's rag-bag of dangerous and destructive reforms to our domestic constitutional framework.

My challenge today to Conservatives is simple: how should we respond to these reforms?

What happens to the defenders of the status quo when the status quo itself disappears?

Can Conservatives remain believers only in cautious evolutionary change when faced with the results of revolutionary upheaval?

Some Conservatives believe we will simply have to shrug our shoulders and accept whatever arrangements we inherit. But how can we accept constitutional arrangements which are unstable and undemocratic and with whose underlying principles we profoundly disagree? I do not believe we can or should just put up with them.

Others believe we should commit ourselves to reversing each and every one of Labour's constitutional changes. They would echo Evelyn Waugh's complaint that "the trouble with the Conservative Party is that it has not turned the clock back a single second" and urge us to do just that.

But on these constitutional matters it will not be possible to turn the clock back. Devolution or the politicisation of the judiciary are not changes that can easily be undone. Attempting to return the constitution to its status quo ante would be a futile task.

So I believe there is only one practical Conservative response to Labour's constitutional upheaval.

We will need to adopt our own programme of constitutional reform. We will have to correct the dangerous imbalances and tensions which Labour's constitutional reforms will unleash. We must seek to construct a set of constitutional relationships which will preserve the key, overarching principles of our existing constitution: limited government,

the rule of law, the unity of the kingdom and, above all, democratic accountability.

Conservative Freedom

Some might argue that time spent thinking about the constitution is time wasted. The man in the street will be far more affected by what happened on the trading floors of the City today than by what was debated in Parliament.

Such a view is, I believe, wrong. Political institutions matter. National identity matters. Democratic accountability matters.

Conservatives understand that modern society, for all its free flows of capital and goods, is much more than simply a market place of atomised individuals, in which the only relationships are between buyers and sellers and the only institutions are multi-national companies. There are ties of family and friendship, and of community and nationhood that cannot be reduced to a list of prices.

Of course, liberal economics are a central part of our Conservative belief in freedom. But as I explained in my speech on the family to the Social Market Foundation last month, Conservatives made a mistake in the 1980s and 1990s in allowing ourselves to be portrayed as nothing more than free marketeers.

Conservative freedom depends on family, strong local institutions, a stable and democratic constitution and a sense of nation.

The Features of Our Existing Constitution

The central features of the British constitution - limited and democratically accountable government, the rule of law and the unity of the kingdom - provide us with one of those important conditions of freedom.

Conservatives have not supported our existing constitutional framework simply out of sentimental attachment, or simply because we enjoy the pageantry of the State Opening of Parliament.

Instead, we recognise that our country's constitutional arrangements protect our freedoms precisely because they embody our history, traditions and identity as a people - what you might call our unique Britishness.

That Britishness is reflected in the singular make-up of our constitution - with its complex web of statute laws, conventions, common law and works of authority, all of which have evolved over centuries. And that Britishness shapes the central features of our constitution.

The individualist British character permeates our constitution. It is reflected in the central importance we attach to limited government and to our constitutional hereditary monarchy as the independent guardian of our political system. And it has had some powerful political champions over the ages. The need to protect the life, liberties and property of the free Briton from the over-mighty state has been the cry of politicians from John Hampden to John Wilkes to Margaret Thatcher.

Another feature of our Britishness is our respect for the rule of law. We do not man the barricades when we feel our rights have been infringed - we go to the courts, or to our Member of Parliament, or we vote to change the Government. Our constitution is built around the principle that no person, however rich or powerful, is above the ordinary law of the land, and that the Government too is subject to the rule of law applied by an independent judiciary.

A third feature of our Britishness is the Union of our United Kingdom. It is a unique product of our history: a single nation forged from the union of four nations, each of which retain their own cultures and loyalties. We have never been a federal state. Each part of our United Kingdom has had a say over the affairs of all other parts of the United Kingdom; a Union within which we share our problems and the resources to resolve them.

The final, and I would argue, overriding feature of our Britishness is our long history of accountable government.

Exactly to whom government is accountable has changed over the centuries.

The Magna Carta fixed in writing the principle that the King's government was accountable to the King's subjects, albeit his noble ones.

By the time of William III, Parliament had emerged as the focus of accountability - not least because Parliament had gained control of the purse strings. The principle that governments were accountable to the people did not properly emerge until the great Reform Acts of the nineteenth century.

By then Dicey, that foremost Victorian authority on constitutional matters, could draw a distinction between the "legal sovereignty" of Parliament as the supreme law-making body in the land, and the higher "political sovereignty" of the people at the ballot box.

It is the political, democratic sovereignty of the people - exercised at the ballot box, expressed through the legal sovereignty of Parliament and held in stewardship by Government - which is the key to accountable government today.

Of all the features of our constitution today, it is this strong democratic accountability which is the most important.

Practical political power in our country resides primarily with the national government, not with individual Members of Parliament or unelected judges or local and regional parliaments. That power is derived from the national government commanding a working majority in the House of Commons. That working majority is bestowed on political parties by the British people at the ballot box.

There is a clear line of accountability. We know who to praise when things go well, and, more importantly, we know who to blame when they do not. And when things do not go well, our voting system allows us to do something about it and kick the Government out.

Knowing who to blame and being able to do something about it is the key to real democracy.

Such unambiguous accountability is not a feature of all democratic constitutions. Like our respect for the rights of the individual, the rule of

law, and the unity of the kingdom, it is a key part of the Britishness of our constitution.

Critics of the constitution like Charter 88, and those in the Government who follow their line of argument, ignore these advantages. They argue for written constitutions, devolved parliaments, bills of rights and a republic.

These constitutional arrangements may suit other countries in other circumstances. Germany has prospered with a written constitution. Spain's federal structure has helped hold the country together. The US has become the world's most powerful democracy with a Bill of Rights. And few would argue for the restoration of the monarchy in France.

But this does not mean these constitutional arrangements are appropriate for our country, with our long history of internal stability and democratic accountability.

The truth is that Britain has been well served by its constitution. Britain has almost entirely escaped the crises of political legitimacy and consent which have bedevilled so many countries this century.

And Britain continues to be well served by its constitution as we enter the new millennium.

Room For Change

That does not mean that Conservatives share George III's belief that the British constitution is "the most perfect of human formations". Nor does it mean we bask in the moral superiority of our constitution above all others.

I leave that to Mr Podsnap in Charles Dickens' *Our Mutual Friend* who said "We Englishmen are Very Proud of our Constitution, Sir. It was Bestowed upon us by Providence. No Other Country is so Favoured as This Country."

Conservatives understand that the constitution must be not only our link to the past. It must also be our bridge to a successful future. It must adapt and change to circumstances.

Edmund Burke recognised that a constitution that cannot be changed cannot survive. Conservatives have, until now, believed that any constitutional reform must be gradual and evolutionary, rather than sudden and revolutionary.

There were times in the last eighteen years when we rejected even evolutionary change. Government in the 1980s and 1990s made us too comfortable with the status quo and blinded us to some of the pressures for constitutional change which emerged in our society.

For example, there is no doubt now in my mind that we did not appreciate soon enough the strength of feeling that lay behind the demands of the Scottish people for more control over their own affairs. Michael Forsyth's decision to strengthen the role of the Scottish Grand Committee was welcomed - but by then the damage had been done.

We should have acted earlier to find ways of recognizing Scottish demands instead of letting Labour and the Nationalists stoke up resentment - resentment which has now led us to Scottish Home Rule and could lead to the break up of the United Kingdom itself.

And we should have listened more to Londoners and their wish for a political voice in the form of an elected mayor. That is why one of my first acts as Conservative Leader was to abandon our opposition to a London mayor.

But acknowledging past mistakes is not the same as rejecting the whole basis of the constitutional arrangements that have provided us with centuries of strong and accountable government.

Conservatives believe in reform that preserves the essential Britishness of our constitution of which I have spoken. We will be guided by our historic principles of democratic accountability, the rule of law and the unitary kingdom.

In this we will be very different from our political opponents, whose whole approach betrays a lack of guiding principles.

Labour's Constitutional Assault

The origins of Labour's obsession with constitutional reform lie in their failure in office in the 1960s and 1970s and in eighteen long years of opposition.

There were three responses to the failure of Wilsonian corporatism.

The first response - our response - was Thatcherism.

The second response was that of Michael Foot and Tony Benn. The left, they said, had failed because it had made too many compromises with capitalism. Their answer was a strong dose of protectionism, public ownership, trade union rights, and withdrawal from Europe. It was resoundingly rejected by the British public.

The third response, what has now been called the "third way", took longer to emerge. It appeared in the writings of David Marquand, and, more recently, those of Will Hutton.

Marquand and Hutton argue that corporatism need not have failed. There is, they suggest, nothing inherently wrong with it. The problem is that it will not work in Britain because our constitution and our traditions, and in particular our individualism, rebel against it.

Their answer is to turn Britain into somewhere else. They believe Britain's constitutional arrangements are pre-modern and out-of-touch and need to be replaced with the continental model of a codified constitution, an incorporated Bill of Rights, Scottish and Welsh devolution, English regional assemblies, an elected Second Chamber, proportional representation - all of which, they argue, will lead to a much less adversarial style of politics in which corporatism can succeed.

Hutton and Marquand gave intellectual cover to a hotch-potch of different groups within the Labour Party, each one of which was pressing for this or that piece of constitutional reform. The Scottish Labour Party, weary from its battle with the nationalists, wanted devolution. The civil rights lawyers in Islington wanted a Bill of Rights. The old left wanted House of Lords reform. Those who despaired of Labour ever winning an

election again, and hoped to construct an alliance with the Liberals, wanted proportional representation.

Collectively these groups succeeded in getting their proposals adopted by a Labour Party frustrated by eighteen years in the political wilderness. If the support of different pressure groups could be bought by sticking a piece of constitutional reform in the Manifesto, then why not stick it in?

It is this kind of thinking which is continuing to drive Labour's programme of constitutional reforms now that they are in Government. But what makes this cocktail of reforms so dangerous is that its long-term effects on accountable democratic government in Britain have not been thought out, least of all by the Government.

Labour has embarked on a journey of constitutional upheaval without a route map. They have no clear idea of where the journey will take them or what the final destination will look like.

So chaotic has Labour's approach been that David Marquand himself has felt compelled to speak out. He acknowledges that their reforms amount to a "formidable list" but, he said in *The Guardian* three years ago, "no coherent vision informs it; no spine of theory or analysis holds it together or links it to the rest of Labour's programme". "Above all", he went on to say, "its implications for the fundamentals of British statehood do not seem to have been explored".

Labour's reforms have only one thing in common - they take power away from the Westminster Parliament, and in particular, the House of Commons. And in doing so, they undermine true accountable democracy in this country.

Democracy is being weakened by the transfer of authority away from Parliament to new tiers of government in Scotland, Wales, the English regions and in Europe, and to the judiciary.

What Labour do not understand is the authority of democratic government depends on the power and influence of Parliament. If the power of Parliament is chipped away, then the writ of a government that has the confidence of Parliament no longer runs unchallenged throughout the land.

Since the war, the authority of Parliament has been eroded and, with it, the authority of government. That is bad for democracy and bad for Britain.

Conservatives should look for ways to increase the authority and standing of Parliament. That is the route to maintain strong, stable and democratic government in Britain, fully accountable to the people, and carrying maximum authority and public consent.

The British people must know who to blame. There must be democratic accountability. That is the principle which the Conservative Party will champion in the future.

Restoring Balance to the United Kingdom

The first of Labour's reforms is already well advanced - devolution. It strikes at the heart of the constitutional arrangement that has held our Union together for hundreds of years.

For although Scotland, Wales and Northern Ireland have enjoyed a disproportionately larger share of public spending and political representation at Westminster than England, the fundamental principle underpinning the Union has until now remained intact: namely, that each part of the United Kingdom has its say over the affairs of all other parts of the UK, and that each part shares the problems of the whole and shares the resources required to meet them.

It is this unitary, rather than federal, arrangement which ensures that there is no conflict of power - or confusion of democratic accountability. We are free of the kind of paralysing disputes between national parliaments and regional parliaments, or between state governments and federal governments, that are so common in other political systems.

This unitary arrangement will be substantially weakened when a Scottish Parliament and a Welsh Assembly are created next year. The Scots and the Welsh will take exclusive control over much of their domestic affairs without relinquishing any of their say in the domestic affairs of England and Northern Ireland.

I do not propose to repeat all the arguments against devolution. The Conservative Party accepts the verdict of the ballot box. A decisive

majority voted in favour of a tax-raising Scottish Parliament. We cannot unscramble the omelette.

The reality is that a Welsh Assembly will also be created, albeit with the support of only a quarter of Welsh voters. The Conservative Party will fight to protect the interests of minorities, and in particular native Welsh speakers and the people of North Wales, from domination by a majority. That is why Michael Ancram has tabled amendments to the Wales Bill which would give tough statutory powers to the regional committees which Labour have agreed to set up across the Principality.

Just as devolution is about to become a reality, so too are the dangers and internal contradictions which Conservatives have warned about.

Tam Dalyell's prediction that devolution will be a "motorway to independence without exits" could prove all too true. By ceding legislative power to the Scottish Parliament while retaining a tight grip on the purse strings, the Blair Government has created the potential for bitter political conflict on which the nationalists will take every opportunity to capitalise.

The clear lines of democratic accountability which the unity of the Westminster Parliament has until now protected will be lost in confusion and point-scoring.

Edinburgh will blame every poorly run hospital or failing school on lack of resources from Westminster. Westminster will blame Edinburgh for spending resources badly. And the people will not know who to blame.

Conservatives cannot just watch from the sidelines crying "I told you so". We must be in the Scottish Parliament, fighting off the nationalists, reducing tension between Edinburgh and Westminster when others are seeking to exacerbate it. And the same is no less vital in Wales.

That is why the Conservative Party will field candidates for every seat. If ever the Union needed its staunchest defenders, it is now.

But what about the English dimension? For how much longer will the English acquiesce to Scottish Members of the Westminster Parliament having a vote over health, education and other domestic matters in

England, when English Members of Parliament (and, indeed, Scottish Members of Parliament) have no vote over similar matters in Scotland?

And now that Scots have their own tax-raising powers, for how much longer will the English tax-payer go on acquiescing to higher public expenditure north of the border? Labour MPs in the north east of England have already started to agitate about the flow of resources to Scotland.

The relationship between the different nations of the United Kingdom has become unbalanced. The dark clouds of nationalism are gathering - not just Scottish and Welsh nationalism, but English nationalism too. Such nationalism is not the same as patriotism. And a patriotic Conservative Party will fight it wherever it seeks to gain support.

Labour's response has been to flirt with the idea of English regional assemblies. But such assemblies assume that strong regional identities exist in England, which they do not.

An extra layer of politicians in a Wessex witan or a Mercian moot would lack legitimacy in the eyes of the voters and would simply confuse accountability still further. In any case, unless such assemblies were given primary legislative powers, the West Lothian Question would remain.

Finding an answer to the West Lothian Question is unfinished business. The Government seem determined to ignore it. The Conservative Party will not.

There are four distinct areas we should explore:

First, the creation of an English Parliament with similar powers to those of the Scottish Parliament. John Barnes made an elegant and logical case for such a Parliament in his CPS pamphlet last month.

Second, the withdrawal from Scottish MPs of their voting rights over all legislation that does not apply to Scotland. In other words, the creation of a two-tier Westminster Parliament.

Third, a substantial reduction in the number of Scottish MPs. This would mirror the approach taken with Northern Ireland MPs at the time of Stormont.

Fourth, a strengthening of English local government and a further devolution of decisions about English health and education away from Westminster and down to hospital trusts and schools. This is Ferdinand Mount's suggested approach.

All four solutions have drawbacks. We are, after all, looking for the least damaging answer to the West Lothian Question. But look we must, and I would welcome in the next couple of years a full debate within the Conservative Party, and outside it, about the way ahead.

This is a rich seam for Conservative thinkers to explore. I have indicated the paths which I believe they should look at and I am open to radical suggestions. But let me say now that the status quo which a future Conservative Government is likely to inherit is unsustainable and unacceptable.

The Relationship Between Parliament and the Judiciary

Labour's constitutional assault will not only create a fundamental imbalance in the relationship between different parts of the United Kingdom, it also threatens to upset the subtle balance between Government, Parliament and the judiciary - a balance which has given Britain both effective Government and clear democratic accountability.

I have some sympathy with those who argue that the balance might be upset by an excessive expansion of judicial review. Such an expansion would cut across the sovereignty of Parliament which is the central mechanism of accountability in our political system.

Governments must adhere to the rule of law, but that must not be used as an excuse for judges to frustrate the expressed will of Parliament. The rule of law should not become an excuse for the rule of lawyers.

But there is a more immediate threat - the so-called Human Rights Bill, currently before Parliament. This piece of legislation may be intended to protect human rights but it threatens to undermine the power of

Parliament and the independence of the judiciary. By doing so, it threatens these two pillars of democratic accountability.

Incorporating the European Convention on Human Rights is different from being mere signatories to it. A recourse of last resort will become a recourse of first resort. In applying the fairly vague provisions of the Convention to UK laws, British judges will find themselves pressed, and might even be tempted, to develop the law in controversial directions.

Like Supreme Court judges in the United States, their decisions will often have to be based on, and certainly take account of, moral or political considerations, rather than legal ones.

The Government may have stopped short of giving judges the power to overturn legislation on these questions. But they do propose to give themselves special powers under a new fast-track system to overturn legislation with only cursory Parliamentary debate.

The Conservative Party has opposed the Human Rights Bill as a deeply damaging measure because of the danger it presents of a politicisation of the judiciary and the undermining of democratic parliamentary accountability.

I believe that the right to be able to influence our laws through our elected representatives is itself a human right. It is threatened by this bad law.

Is this another omelette we cannot unscramble?

If it is, then we must look to other ways of restoring the balance between the judiciary and Parliament.

If judges are to have substantial powers to make law in what are likely to be areas of great public interest, Parliament must be accountable for their appointment. Again, people must know who to blame and be able to do something about it.

We may have to consider parliamentary confirmation hearings for judges. Just as the US Congress has a veto on appointments to the Supreme Court, so the House of Commons could have a veto on senior

judicial appointments in this country. It is not a route I would choose to go down unless forced to.

But if the elected representatives of the people are to have their sovereign powers to make law removed from them, then they should at least be given a say over who will exercise those powers in their place.

The Relationship Between Government and Parliament

It is not only the relationship between Parliament and the judiciary which is under fire from Labour; the relationship between Parliament and the government faces radical change.

House of Lords Reform

The Government is now embarking on what is potentially the most damaging step of all - removing the main independent element in the House of Lords by excluding the hereditary peers.

Mr Blair's justification is his dislike of the hereditary principle, although he sees no contradiction in also parading himself as the protector of the monarchy.

Labour's plans could lead to a House almost entirely composed of nominated peers. This would be a huge and dangerous extension of Prime Ministerial power.

It would be wholly unacceptable to the Conservative Party. And it should be viewed with utmost suspicion by all who believe in a strong Parliament and an accountable executive.

Unlike the left, Conservatives understand the value of inheritance. Like most people, we believe that one of the things that gives meaning to human life is the opportunity to pass on some of its gains to our children.

Property is one obvious form of inheritance, but parents also want to pass on values, family traditions, religion, responsibilities and duties, networks of friends, standing in the local community, reputation. Our country's greatness is built on generations of inheritance of this sort. The inheritance of the throne stands as a symbol of it.

Hereditary peers too are a manifestation of our acceptance of the important idea of inheritance. Take one aspect of this. One of the roles of the House of Lords over the last 300 years has been to provide a place in Parliament for the great owners of land and property. Passing a place in the Lords in the same way as property, by inheritance, was an obvious thing to do.

Now the requirement for a House representing the interests of property and land, for so long part of the Conservative defence of the composition of the Lords, has diminished. The balance of power in society has changed. Conservatives are therefore open to suggestions about how membership of the Lords might be changed too, and whether the hereditary principle is the right one to employ when choosing members for the House.

However, when making changes it is important first to note that the present House of Lords provides us with a remarkable service. It improves legislation in a dispassionate way that the party political House of Commons cannot. It represents the very best of informed opinion, yet it is restrained in the way it uses its powers. It only asks the House of Commons to think again in exceptional circumstances and usually for good reasons. It also ensures, as a directly elected chamber might not, that the Commons is checked without its supremacy being undermined.

Understanding the value of inheritance and the way families pass down values and duties from one generation to the next, Conservatives are not surprised that hereditary peers, no longer required or able to represent the landed and property interest, nevertheless make a valuable contribution to the provision of this remarkable service.

So the onus is on the Government, if it wants to make change, to think more deeply, to consult widely, to come out, if it can, with a better alternative, and then to carry that alternative through Parliament.

Any reform of the House of Lords must meet six tests which Robert Cranborne has set out.

The reformed chamber must be better at scrutinising and revising legislation than the present one. That a substantial independent element must remain. That the Prime Minister's powers of patronage must not be increased. That the Members must be drawn from all parts of the United

Kingdom. That reform must be considered in the context of its effects on Parliament as a whole. And that the supreme authority of the House of Commons must remain intact.

The whole process, if it is done, must be done in one step, not in a half-baked way that destroys the independence of the present House, while leaving its future hanging indefinitely in the air - to the immense advantage of the Executive and the further diminution of Parliament.

House of Commons Reform

But it is not the Second Chamber which is most in need of reform; it is the First Chamber.

The House of Commons is finding it increasingly difficult to do its job of scrutinising Government legislation and holding Ministers to account.

The complexity and volume of legislation brought forward by the Government grows every year. Added to it are the one thousand or so European Union documents which come forward for legislative scrutiny, many of which are agreed by Ministers with little or no debate.

The present Standing Committees, hastily brought together for each new Bill and comprising of heavily whipped MPs often with no specialist knowledge of the issues involved, are struggling to provide effective scrutineers of legislation.

The Select Committee system, which was one of the great reforming innovations of Margaret Thatcher's first Government, has greatly strengthened the ability of the House of Commons to hold the Executive to account. But they have limited resources and no dedicated specialist staff.

These deficiencies in our House of Commons can no longer be ignored. The power of the democratically elected representatives of the British people to hold their government to account is a central feature of our constitution. For it to mean anything, then MPs must have the ability to hold government to account.

We should look at a number of different options.

We could build on the practice established under the last Government and publish all Bills in draft.

We could timetable automatically all Bills and abolish the practice whereby all Bills that have not completed their passage by the end of the session fall.

We could give the Standing Committees that scrutinise individual Bills a permanent or core membership of MPs with real expertise in the relevant field.

We should certainly look at ways to ensure that so-called Henry VIII clauses in Bills are properly scrutinised. These are the enabling clauses that give Ministers powers to pass important measures into law through secondary legislation. One idea would be to have a committee of both Houses to scrutinise such clauses.

We must improve the invaluable work of Select Committees in scrutinising the work of Government departments. I certainly believe we should significantly increase the resources available to them.

Some of these issues have been touched upon by the First Report of the Select Committee on Modernisation. I welcome the all-party work being done by the Committee. But in the end we will judge the Committee's recommendations against this test.

Will the proposed changes improve the House of Commons' ability to scrutinise both legislation and the work of departments, and hence strengthen democratic accountability in our constitution?

We must be open to further ideas about how we can strengthen the ability of the House of Commons to hold the Executive to account. Piecemeal change to the powers of Parliament may no longer be appropriate when faced with an ever more powerful executive.

The Relationship Between Government and the People

Let me turn to the final constitutional relationship I want to explore in this speech - the direct relationship between the British people and the State.

The sovereignty of Parliament is simply the device through which the British people come to common decisions with each other, resolve disputes between each other and plan a common future together. Ultimate power and authority rests with the people. The State is our servant not our master.

Our present constitution brings the political sovereignty of the people together with the legal sovereignty of Parliament to create an effective and democratically accountable Government.

Referendums

That democratic accountability is paradoxically under threat from the Government's regular use of referendums.

I say paradoxically because referendums may appear to be the most democratic means of taking government decisions.

But referendums held before legislation is presented to Parliament, and before the details of a proposal can be subjected to proper scrutiny are, to use Michael Ancram's phrase, "dangerous weapons of national self-delusion and cosmetic democracy".

If we are to allow decisions on issues crucial to the future constitution of our country such as a Scottish Parliament, a Welsh Assembly and the single currency, to be decided by referendum, then we urgently need some basic ground rules.

We need to have rules on what kind of constitutional issues should be submitted to a referendum, and when.

We need a mechanism to ensure that the question asked is fair to both sides of the argument, and we need to ensure that both sides are given a fair chance to put their case to the voters.

We certainly need agreement on what is the accepted threshold, both in terms of margin of victory and turnout.

We need all these ground rules so that the results of referendums are clear and unambiguous and which are above accusations of political

manipulation and abuse. The conduct of the Welsh Referendum showed what can happen when those rules do not exist.

Proportional Representation

We need these rules in place in time for what could be the most important referendum ever held in this country - a possible referendum on proportional representation.

The first-past-the-post system ensures that the voters vest in one party the political authority it needs to govern by giving it a working majority in Parliament. The doctrine of Parliamentary sovereignty gives the party the political power it needs to govern.

Under our constitution, the British people know precisely who to applaud or, more important, who to blame for the affairs of government. And the electoral system gives the voters the power to do something about it and kick out the Government - as Conservatives found out on May 1st.

This capacity for voters to dismiss a Government is the single most important attribute of our electoral system. To use Karl Popper's words, election day is and must always be "judgement day".

Of all the dangerous and destructive constitutional reforms currently on the table, perhaps the most dangerous and the most destructive is proportional representation.

The Prime Minister says he is not convinced by PR. But he has established a Commission on electoral reform. And its remit prevents it considering the merits of the voting system which has served this country well. The Opposition has not been consulted on its membership or its activities.

The Prime Minister wants to keep his options open. If the opinion polls start to suggest that Labour might lose the next election, I suspect that Mr Blair will emerge with all the zeal of the convert as an ardent supporter of PR.

The Conservative Party will fight him every step of the way. PR is a system of unfair votes. It takes political power away from the electorate

and gives it to small parties, who can use their seats in Parliament to make or break Governments.

That is what has happened in Germany where the Free Democrats have acted as kingmakers in almost every election since the Basic Law was introduced, despite having little more than 5 per cent of the vote. The same thing has now happened with the New Zealand First Party following that country's adoption of PR.

And it would happen in the UK too. Under PR the Leader of the Liberal Party would have found himself in a commanding position in every General Election since the war. He could have kept the Callaghan Government in power in 1979 and kept the Labour Party out of power in 1997.

It is a profoundly undemocratic measure masquerading under the banner of democracy, and the Conservative Party I lead will have no truck with it. We believe that in a democracy not only must people know who to blame, they must be able to do something about it.

We reject Labour's Electoral Commission. We reject the proposed referendum on PR. And we most resolutely reject proportional representation itself.

Conclusion

In conclusion, Labour's hotch-potch programme of constitutional reform threaten the central features of our constitution - limited and accountable government, the rule of law and the unitary state. Features which I earlier described as embodying our Britishness. Voters will find it increasingly difficult to know who to blame or be able to do anything about it.

There is a game called Jenga in which players try to remove individual bricks from a tower built of wooden bricks without letting the whole structure collapse. Labour is playing political Jenga.

From time to time Labour will pull out one of the bricks that supports British freedom and traditions. Each brick they pull out weakens and unbalances the structure, but they look around smugly, pointing out that

the tower still stands. If they continue unchecked, the day will come when they pull out a brick and the whole tower will fall over.

A future Conservative Government will inherit an unstable and unacceptable constitution. In such circumstances, we cannot remain wedded to the principle of evolutionary change.

It is our duty to develop a programme of reform that restores stability and balance to our constitution. Such a programme must be consistent with the Britishness of our existing constitution. Above all, Conservative reform must re-establish the clear lines of accountability which are essential to a strong democracy.

We should see reform as an opportunity rather than a duty foisted on us by Labour. It is a chance for us to meet the challenges and strains that the British constitution will face in the new century by applying enduring Conservative principles.

Today I have set out those principles. I have also set out the kind of issues we should consider and the questions we must have the courage and creativity to answer. In the years ahead I look to my Party to work with me to provide those answers. The Conservative Party will not be afraid to face up to the future.

[ENDS]