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Political and Constitutional
Reform Committee

The impact of Queen's and Prince's Consent on the legislative process

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1 The process

What is Consent?

1. Consent is a process entirely distinct from Royal Assent. When Bills have been passed by both Houses of Parliament, they await only Royal Assent to be declared Acts of Parliament. By contrast, Consent is required before a Bill completes its passage through Parliament, but is required only if the Bill affects the Crown. The Office of the Parliamentary Counsel pamphlet on *Queen's or Prince's Consent* states:

The granting of Queen's or Prince's consent for a bill is merely a consent for Parliament to debate the bill and does not affect the theoretical right of the monarch to withhold Royal Assent to the bill. That said, Royal Assent is of course never refused for a bill that has successfully negotiated its way through Parliament.¹

Professor Robert Blackburn, of Kings College London, states:

The substance of the Royal Consent is an agreement to the proposed legislation being considered and debated in each House of Parliament, not that the Queen or the Prince of Wales where applicable necessarily agrees or supports the content of the measures itself.²

Erskine May, the guide to parliamentary practice, states: "If the Queen's consent has not been obtained or is not signified, the question on the relevant stage of a bill for which consent is required cannot be proposed."³

Our inquiry

2. In January 2013, the Cabinet Office was required to publish a pamphlet prepared by the Office of the Parliamentary Counsel, setting out the procedure for obtaining Queen's and Prince's Consent. The pamphlet was initially requested under the Freedom of Information Act 2000 by John Kirkhope, who was then a PhD student, in August 2011.⁴ The Cabinet Office refused to disclose the pamphlet on the basis that it was protected by legal privilege. The Cabinet Office was overruled by the Information Commissioner, and subsequently by the First-tier Tribunal (Information Rights). A redacted version of the pamphlet (dated December 2012) was published online. A version with minor revisions (dated October 2013) has now been published.

3. When we asked Richard Heaton, First Parliamentary Counsel, about the Cabinet's Office's reluctance to disclose the pamphlet, he replied: "When the FOI request was made, we took the view some two years ago that there was legal advice embedded in it. However, we were keen to strip out the bits we could not disclose and make the bulk of it public."⁵

1 Office of the Parliamentary Counsel, [Queen's or Prince's Consent](#), October 2013, para 7.11

2 Professor Robert Blackburn ([QPC 10](#)) para 2

3 *Erskine May: Parliamentary Practice*, 24th Edition (2011), p 167

4 Dr John Kirkhope ([QPC 06](#))

5 Q20

He added that, although the Cabinet Office “took the view that it is traditional defence of legal privilege that where the Attorney has given advice to the Government, on the whole that is not made public”,⁶ he realised that “we are legislating in an arcane world...and the more we can do to shed light on dusty, opaque corners of the constitution the better.”⁷ **We accept that it is not always appropriate for the Government to publish its legal advice, but individuals should not have to resort to freedom of information requests to obtain material that is suitable for publication and would throw light on the legislative process, as happened in the case of the pamphlet on Queen’s Consent. We are encouraged by the positive attitude of First Parliamentary Counsel towards the publication of potentially useful information. We recommend that the Office of the Parliamentary Counsel continue proactively to publish its internal documents that could be of interest to the wider public, unless there is a strong reason not to do so.**

4. The publication of the pamphlet prompted wider discussion about the role of Consent. Our inquiry, which was launched on 9 July 2013, aimed to establish further information about the process itself and to consider its impact. The terms of reference are in Annex A. The inquiry was intended to contribute to our ongoing scrutiny of Executive powers in the UK. We received 11 pieces of written evidence and held an oral evidence session on 31 October 2013 with the Clerk of the House of Commons and the Clerk of the Parliaments, and with First Parliamentary Counsel. We are grateful to all who contributed to the inquiry.

Queen’s Consent

5. Queen’s Consent is needed for:

- Bills that affect the prerogative;
- Bills that affect the hereditary revenues, personal property or personal interests of the Crown, the Duchy of Lancaster, or, unless the Prince of Wales is of age, the Duchy of Cornwall.⁸

The House of Commons Library Standard Note on *The Royal Prerogative* states:

Originally prerogative powers would have been exercised by the reigning monarch. However, over time a distinction has emerged between the monarch acting on his or her own capacity, and the powers possessed by the Monarch as head of state. In modern times, Government Ministers exercise the majority of the prerogative powers either in their own right or through the advice they provide to the Queen which she is bound constitutionally to follow. There have been calls to reform prerogative powers, chiefly because they are exercised without any parliamentary authority.⁹

6 Q21

7 Q24

8 Clerk of the Parliaments and Clerk of the House of Commons ([QPC09](#)) para 4

9 House of Commons Library (Lucinda Maer and Oonagh Gay), [The Royal Prerogative](#), 30 December 2009, p 1

We are exploring prerogative powers as part of our inquiry into the role and powers of the Prime Minister.

6. The Office of the Parliamentary Counsel pamphlet notes that it is “not possible to give a comprehensive catalogue of prerogative powers.”¹⁰ However, it lists some, including the powers:

- to appoint a Prime Minister;
- to summon or prorogue Parliament;
- to give or refuse Royal Assent to bills;
- to legislate by prerogative Orders in Council (for example, in relation to certain parts of the civil service) or by letters patent;
- to exercise the prerogative of mercy (for example, to pardon convicted offenders);
- to make treaties;
- to wage war by any means and to make peace (including power over the control, organisation and disposition of the armed forces);
- to recognise states;
- to issue passports and to provide consular services;
- to confer honours, decorations and peerages;
- to make certain appointments (including royal commissions).¹¹

Prince's Consent

7. Prince's Consent is required for Bills that expressly mention the Duchy of Cornwall or otherwise have a special application to it. The eldest surviving son of the monarch, who is also Heir Apparent to the throne, inherits the title of Duke of Cornwall and the estate of the Duchy of Cornwall. If the monarch does not have a son, there is no Duke of Cornwall and the Duchy of Cornwall reverts to the Crown. Written evidence submitted by David Beamish, the Clerk of the Parliaments, and Sir Robert Rogers, the Clerk of the House of Commons, states:

The need for consent in respect of the Duchy of Cornwall arises from the Sovereign's reversionary interest in the Duchy of Cornwall. Where there is no Duke of Cornwall the Duchy reverts to the Crown. If a Bill affects the Duchy in the same way as it affects other Crown land, separate Prince's consent is not required.¹²

10 Office of the Parliamentary Counsel, [Queen's or Prince's Consent](#), October 2013, para 2.7

11 [Queen's or Prince's Consent](#), para 2.7. The pamphlet lists further prerogative powers in paras 2.8 and 2.9.

12 Clerk of the Parliaments and Clerk of the House of Commons ([QPC09](#)) para 9

The Office of the Parliamentary Counsel pamphlet states that Prince's Consent "may very occasionally" be required in other circumstances.¹³ It gives the example of the Bill for the House of Lords Act 1999, which removed the majority of hereditary peers from the Lords and "expressly provided that 'hereditary peerage' included the principality of Wales."¹⁴ The Clerk of the Parliaments and the Clerk of the House of Commons comment: "Prince's consent is normally needed only for Bills for which Queen's consent is also required. The last occasion on which Prince's consent alone was signified was for the Pilotage Bill in 1987."¹⁵ In that case, it was required because the Duke of Cornwall is the harbour authority for the Isles of Scilly.

Seeking and obtaining Consent

8. The process of seeking and obtaining Consent involves the Office of the Parliamentary Counsel, the Clerks of Legislation in both Houses of Parliament, the Government Department responsible for the relevant Bill, and the Royal Household. Richard Heaton, First Parliamentary Counsel, summarised the respective roles of these people and bodies in relation to Government Bills as follows:

When we [Office of the Parliamentary Counsel] are preparing a Bill ready to be introduced, there are a number of things that we have to check and get in order and we correspond or telephone or get in touch with the Clerks' staff on matters like scope, whether money cover is needed, whether Queen's or Prince's consent is needed. Generally speaking, we take an initial view because we know the precedents. We then discuss it with the Clerk of Legislation in each House and...their view is the authoritative one. We then communicate that to the Department. The Department then writes to the respective royal households in a fairly standard way and await a response.¹⁶

As this quote makes clear, the final decision on whether Consent is needed is made by the Clerks of Legislation in both Houses. In written evidence, Sir Robert Rogers and David Beamish stated: "The decision is normally straightforward but if there were any uncertainty the Clerks of Legislation would examine the relevant precedents and, if necessary, consult their respective Clerks. If the decision concerned a Government Bill, it would not be challenged."¹⁷ Both Sir Robert Rogers and David Beamish told us that the two Houses always agreed on whether Consent was necessary.¹⁸

9. Once the Clerks of Legislation have decided that Consent is needed, it is the Department's role to write to the Queen or the Prince of Wales to request Consent. The Office of the Parliamentary Counsel pamphlet and the *Cabinet Office Guide to Making Legislation* set out exactly how Departments should go about requesting Consent. The Cabinet Office's *Guide to Making Legislation* states that the letter from the Department to

13 [Queen's or Prince's Consent](#), para 3.1

14 [Queen's or Prince's Consent](#), para 3.5

15 Clerk of the Parliaments and Clerk of the House of Commons ([QPC09](#)) para 11

16 Q26

17 Clerk of the Parliaments and Clerk of the House of Commons ([QPC9](#)) para 17

18 Q1

the Palace should explain the purpose of the Bill, and how it affects the prerogative or interests of the Crown, enclose two copies of the draft Bill, and ask for Consent.¹⁹ The *Guide to Making Legislation* also specifies that letters should be copied to Farrer and Co, who “will, as appropriate, advise the Royal Household, the Clerk to the Council of the Duchy of Lancaster and the Secretary to the Duchy of Cornwall on the nature of the legislation and its potential impact.”²⁰ Farrer and Co are the Royal Family’s legal advisers. The *Guide to Making Legislation* continues: “The Royal Household must be given as much time as possible, and never fewer than 14 days”.²¹

10. Sir Robert Rogers and David Beamish explained that, in the case of Private Members’ Bills, the Clerk in charge of Private Members’ Bills informs the Member concerned that Consent is needed and outlines the process involved.²² However, even in the case of Private Members’ Bills, it is still the Department, not the individual Member, that writes to the Queen or the Prince of Wales to request Consent. The Cabinet Office’s *Guide to Making Legislation* states: “If a private member’s bill requires Queen’s and/or Prince’s consent, the Member writes to the relevant Minister to ask the Government to arrange for Consent to be obtained.”²³

11. Once sought, Consent can be granted or withheld. The Leader of the House of Commons, Rt Hon Andrew Lansley MP, told us in written evidence: “the process of Queen’s and Prince’s consent is subject to the convention that the Sovereign must ultimately accept Ministerial advice.” He also commented: “A request for consent carries with it by implication Ministerial advice that consent should be granted.”²⁴ In other words, Ministers would tend not to advise the Queen or Prince of Wales to withhold Consent; they would simply not seek Consent in the first place. It seems also that the advice is thus not actual written advice; there is simply a presumption that when Consent is sought by Ministers, it will be granted by the Queen or the Prince of Wales. It therefore follows that Consent is very rarely actually withheld; it is simply never sought in the first place, although in practical terms the effect is the same.

12. Once Consent has been granted by the Queen or Prince of Wales, it must be signified in both Houses of Parliament. Consent is normally signified in the Commons at the Third Reading stage of a Bill, but if the Bill fundamentally affects the prerogative or interests, Consent will usually be signified at Second Reading. For example, in the case of the Fixed-term Parliaments Act 2011, Consent was signified at Second Reading because it abolished the prerogative power to dissolve Parliament. A similar approach applies in the House of Lords. The companion to the House of Lords Standing Orders states:

In the case of a bill affecting the prerogative of the Crown, Consent is normally signified before the motion for second reading. If a bill affects the interests of the

19 Cabinet Office, [Guide to Making Legislation](#), July 2013, paras 17.6 and 17.7

20 [Guide to Making Legislation](#), para 17.11

21 [Guide to Making Legislation](#), para 17.16

22 Q3

23 [Guide to Making Legislation](#), para 17.5

24 The Leader of the House of Commons ([QPC8](#))

Crown but not the prerogative, the normal practice is to signify Consent on third reading in order to take account of any amendments made to the bill.²⁵

13. In the House of Commons, Consent is signified by a Privy Counsellor who is almost invariably a serving Minister. In the House of Lords, Consent is signified by a Privy Counsellor who must be a Minister.²⁶ It is the responsibility of the relevant Government Department to ensure that a Privy Counsellor is available at the appropriate stage to signify Consent. Consent may sometimes need to be further signified as a result of amendments to a Bill. The Leader of the House of Commons states: “The signification of consent has always been a matter of public record and is recorded on the Order Paper, in the Lords and Commons Journals, and in Hansard.”²⁷

25 House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, para 8.187

26 [Queen's or Prince's Consent](#), paras 5.21 and 5.22

27 Leader of the House of Commons ([QPC 8](#))

2 Origins and basis of the process

Origins of Consent

14. The origins of Consent are unclear. The Cabinet Office's *Guide to Making Legislation* refers to a "longstanding Parliamentary requirement that Queen's and Prince of Wales's Consent should be given for certain bills."²⁸ Professor Rodney Brazier, of the University of Manchester, comments: "My impression is that it is centuries old. It certainly existed in the nineteenth century."²⁹ In an Annex to their written evidence, the Clerks of both Houses state:

Although there are several instances in the early Journals of the House of Commons of the expression by Queen Elizabeth I of her agreement or disagreement to measures in progress, we believe the first instance of the signification of royal consent to a public bill was on 27 February 1728.³⁰

In this case, King George II gave his consent to the Suppression of Piracy Bill. The Consent of the Sovereign thus seems to have been part of the legislative process for nearly three hundred years. Prince's Consent would appear to be comparatively more recent in origin. Dr Kirkhope suggests that Prince's Consent is unlikely to pre-date 1848.³¹ Dr Kirkhope also states that there is a contradiction between the argument that the need for Prince's Consent arises because the Sovereign has a reversionary interest in the Duchy of Cornwall and the probable later origins of Prince's Consent. He comments: "If the assertion is accurate why doesn't the Prince's Consent co-exist with the consent of the Sovereign and thus pre-date 1848."³²

Constitutional basis for Consent

15. The Office of the Parliamentary Counsel pamphlet states: "The issue of consent is entirely a matter of House procedure and becomes redundant once a Bill has received Royal Assent."³³ This point is underlined by the fact that, although a Bill which needs Consent cannot progress if Consent is not granted, if a Bill receives Royal Assent without the need for Consent being noticed, it remains valid. Dr Adam Tucker, of the University of York, states:

The Office of the Parliamentary Counsel notes that proceedings on a bill have been "declared void" for lack of Consent. This is ambiguous as to the nature of the nullity. To be clear, it can only be referring to nullity in terms of parliamentary procedure. A bill that required Consent but that was passed (and received the Royal Assent)

28 [Guide to Making Legislation](#), para 17.1

29 Professor Rodney Brazier written evidence ([QPC 7](#)) para 18

30 Clerk of the Parliaments and Clerk of the House of Commons ([QPC 9](#)), Annex A

31 Dr John Kirkhope ([QPC 6](#)) para 4.1

32 Dr John Kirkhope ([QPC 6](#)) para 4.5

33 [Queen's or Prince's Consent](#), para 7.12

without it would be good law. It is an established constitutional principle that “the court will not inquire into what passed in the course of the passage of the Bill through Parliament”. There is no possibility of an Act being declared invalid by a court through absence of Consent.³⁴

16. If Consent is essentially a matter of parliamentary procedure, it would seem to follow that legislation should not be necessary to change or abolish the procedure: a decision by Parliament should be sufficient. Professor Brazier comments: “If it is right that Parliament invented the requirement of royal consents, then presumably it could use its own procedures to abolish it. Alternatively, of course, and to avoid any doubt, primary legislation would do the trick.”³⁵ Written evidence from the Leader of the House of Commons supports the view that the abolition of consent is a matter for Parliament: “Signifying the consent of the Queen and the Prince of Wales for certain legislation is a Parliamentary requirement and the Government will continue to do so for as long as Parliament requires it.”³⁶

17. Asked whether Consent was entirely a matter of parliamentary procedure, Sir Robert Rogers said:

I would say it is a convention that is reflected in House procedure. It is certainly not a matter of statute, and I would see no case for it being a matter of statute. Were the arrangement to be changed, it would not require, for example, primary legislation. It would be something that would be in the hands of both Houses.³⁷

David Beamish added:

If this Committee were to recommend a change, certainly in the Lords following precedent, we would start by doing an address to the Crown, inviting the Queen to put her prerogative and interests at our disposal, so we could review the procedures, but that is an internal choice.³⁸

The two Clerks expanded on these points in response to a subsequent line of questioning:

Q7 Chair: If Parliament was minded to abolish consent, what would need to be done?

Sir Robert Rogers: I think we go back to the route of the address, which we mentioned a few minutes ago. It would be a matter of the Houses saying to the Crown, “We don’t think there is a requirement for that any more. Will you place what would otherwise be your discretion—however trammelled by the advice of Her Majesty’s Ministers of course, as is made clear in our paper and other written evidence before you—to abolish it?”

34 Dr Adam Tucker (QPC 04) para 6

35 Professor Rodney Brazier (QPC7) para 27

36 Leader of the House of Commons (QPC 8)

37 Q4 [Sir Robert Rogers]

38 Q4 [David Beamish]

Q8 Chair: Could that be done by way of a resolution, rather than by parliamentary legislation?

Sir Robert Rogers: Yes. I am always discouraging about the possibility of primary legislation where the workings of Parliament are concerned, but in this case I do not think that it would be a question that would arise. It is a matter of the relationship between the two Houses and the Crown, and the two Houses could make their views known by that route, by an address to the Crown.

David Beamish: In the Lords, it would be a two-stage process: stage 1 an address to the Crown, to which the Queen would say yes, so we could consider it, and then stage 2, armed with that authority, the resolution in each House.

Sir Robert Rogers: It would be two stages in the Commons as well.

18. Although primary legislation would not appear to be necessary, Lord Berkeley has presented a Private Member's Bill, the Rights of the Sovereign and the Duchy of Cornwall Bill, that, among other things, would abolish Consent. It had its Second Reading on 8 November 2013. Lord Berkeley's Bill to abolish Consent itself required Consent from the Queen and Prince of Wales, which was duly granted.

19. The Scotland Act 1998 makes explicit reference to the process of Consent, stating:

The standing orders shall include provision for ensuring that a Bill containing provisions which would, if the Bill were a Bill for an Act of Parliament, require the consent of Her Majesty, the Prince and Steward of Scotland or the Duke of Cornwall shall not pass unless such consent has been signified to the Parliament.³⁹

Asked about this provision in the Scotland Act, Sir Robert Rogers said: "If there were no process of Queen's Consent in the Westminster Parliament, I think that provision would simply wither on the vine. It would no longer be applicable."⁴⁰ There is a similar provision in the Government of Wales Act 2006, as Professor Blackburn noted in his written evidence. The Act states:

The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in accordance with the standing orders.⁴¹

Given the way in which these provisions are framed, if Consent were abolished in the UK Parliament, it is unlikely that the Scotland Act 1998 or the Government of Wales Act 2006 would need to be amended.

20. Consent is a matter of parliamentary procedure. If the two Houses of Parliament were minded to abolish Consent, they could do so by means of addresses to the Crown, followed by a resolution of each House. Legislation would not be needed.

39 Scotland Act 1998, [schedule 3](#), paragraph 7

40 Q9

41 Government of Wales Act 2006, [section 111\(4\)](#)

3 Should Consent continue to be part of the legislative process?

21. In the terms of reference for our inquiry we asked whether there was a continuing justification for consent to be part of the legislative process. In this chapter, we consider the constitutional and practical arguments for and against retaining Consent.

Government veto on Private Members' Bills

22. As we set out above, if a Private Member's Bill requires Consent, it is the responsibility of the Department to seek Consent from the Queen or the Prince of Wales. This raises the possibility that the Government could use the process of Consent to prevent the progress of Private Members' Bills which it opposes. Dr Tucker states: "The most obvious impact of the Consent requirements on the legislative process is the way in which they empower the government by creating an additional shield against unwelcome legislation."⁴² Professor Brazier commented: "I have found four examples—and of course there could be more—in which the Government has, directly or indirectly, blocked private Members' Bills through the requirement of royal consent." The four examples he cites are:

The Peerage (Ireland) Bill was withdrawn from the Commons at second reading in 1868 when Ministers made it clear that they would advise Queen Victoria not to grant her consent.

In 1964 the Titles (Abolition) Bill was killed off when the Conservative Home Secretary declined to recommend royal consent, on the ground that it was unlikely that the Bill would be debated.

In 1969 the Rhodesia Independence Bill was refused Queen's consent. The Bill would have given the colony independence, despite an unlawful declaration of independence (UDI) having been made in 1965. Independence was the very thing that the Government was determined that Rhodesia should not have while it was in a state of rebellion against the Crown.

In 1999 the Deputy Speaker refused to put the question at second reading of the Military Action Against Iraq (Parliamentary Approval) Bill. The Bill's sponsor, Mr Tam Dalyell, has said that the Government had advised that royal consent be refused.⁴³

The Leader of the House of Commons cited another example in his written evidence: the European Communities (Reaffirmation of Sovereignty of the United Kingdom Parliament) Bill 1995.⁴⁴

42 Dr Adam Tucker ([QPC 4](#)) para 29

43 Professor Rodney Brazier ([QPC 7](#)) para 22

44 Leader of the House of Commons ([QPC 8](#))

23. Republic stated: “We are very concerned that the consent process could be used as a selective veto for Ministers over Private Members’ Bills. Like a number of other royal powers currently exercised by the executive, it potentially allows governments to override the wishes of Parliament—an anomaly that should be abolished.”⁴⁵

24. When we asked Sir Robert Rogers whether the process of Consent could be used by the Government as a way of curtailing or preventing parliamentary debate, he replied:

It could be, but...it is something that we would think was inappropriate. In terms of either House dealing with a proposal, it is much better to focus on the issue that is actually in the Bill rather than to use a piece of clockwork, as it might be, to prevent the resolution of the issue that is in the Bill.⁴⁶

David Beamish said: “I do not think it would happen but if there were any whiff that it might I think I would be very quickly giving very firm advice against to whoever in Government was suggesting it.”⁴⁷ Sir Robert Rogers stated that Consent was not the only process that the Government could, in theory, use to inhibit debate on Private Members’ Bills:

It is analogous in a way to the Government providing a money resolution for a Private Member’s Bill. It is possible for the Government to say, “No, we don’t like this Bill, so we are not going to provide a money resolution for it.” That would inhibit or possibly prevent debate. When I was Clerk of Legislation...we would always say to the Government that is a misuse of the privilege of financial initiative. The real question is on the nature of the Bill. So it is simply a permissive or facilitating process to have the money resolution. In the same way, I would say that argument applies to consent as well.⁴⁸

25. The Leader of the House of Commons commented:

The Government will generally seek consent for Private Member’s Bills, even where it opposes the bill, on the basis that Parliament should not be prevented from debating a matter on account of consent not having been obtained...On a number of occasions MPs have failed to publish the text of their Bill in time for consent to be sought.

The Government of the day has on occasion not sought consent for bills they opposed (and did not wish to be proceeded with), on the basis that there was no realistic opportunity for the bill in question to be debated.⁴⁹

26. Part of the difficulty is that although, as the Leader of the House of Commons states, “The signification of consent has always been a matter of public record and is recorded on the Order Paper, in the Lords and Commons Journals, and in Hansard”, the occasions on

45 Republic ([QPC 5](#)) para 7

46 Q15 [Sir Robert Rogers]

47 Q15 [David Beamish]

48 Q12 [Sir Robert Rogers]

49 Leader of the House of Commons ([QPC 8](#))

which the Government has been told by the House authorities that Consent is necessary and has declined to seek Consent are not easily accessible as a matter of public record in the same way. It is thus difficult to be certain how often the Government has declined to seek Consent for a Private Member's Bill, although from the available evidence, it would seem that this is a rare occurrence.

27. We recommend that, if the House authorities decide that Consent is needed for a Private Member's Bill, the Government should as a matter of course seek Consent. This would remove any suggestion that the Government is using the Consent process as a form of veto on Bills it does not support. Members should, in turn, make sure that they publish the text of their Bill in time for Consent to be sought.

28. One other issue, which we raised with Richard Heaton, is whether the individual Member whose Bill is the subject of the request for Consent should be able to see a copy of the letter sent by the Department to the Royal Household. In a letter to our Chair, Richard Heaton commented that "correspondence between the Government and the Royal Household is not usually published." He continued:

However, I hope I can be more positive than that answer at first appears. The Government's role is to ensure that consent is sought when it is required by Parliament. The correspondence between Government Departments and the Royal Household is a matter of routine. These letters set out a description of the provisions which require consent and by when; they do not set out a view on the merits of the legislation. A member will already have been told by the Public Bill Office whether consent is needed and in respect of which provisions, so the substance of the letter should be known to him or her, even if the letter itself is not disclosed.⁵⁰

He enclosed with his correspondence a template of the letter that Departments use to request Consent. This is published with his written evidence.

29. We entirely accept that correspondence between the Government and the Royal Household is not normally published. However, given that the correspondence in this instance is a matter of routine, we recommend that, when Consent is being sought for a Private Member's Bill, the letter from the Department to the Royal Household should be copied to the Member concerned if the Member requests this. This would increase transparency and remove any perception of undue Government influence.

Perception of undue influence by the monarchy

30. Professor Brazier cites as one of the arguments against retaining Consent: "Royal consent, and the process through which the Royal Households are engaged before it is obtained (or renewed in relation to later amendments to Bills) fuel speculation that influence is being brought to bear on the content of legislation of an unknown kind."⁵¹ Dr Kirkhope comments: "It is not known how often Bills have been amended as a result of representations on behalf of the Sovereign or the Prince."⁵² There is a perception in some

50 Richard Heaton, First Parliamentary Counsel ([QPC 11](#))

51 Professor Rodney Brazier ([QPC 7](#)) para 25.4

52 Dr John Kirkhope ([QPC 06](#)) para 2.8

quarters that Consent enables the Queen and the Prince of Wales directly to influence the legislative process. There are several reasons for the existence of this perception. Until recently, there were few details in the public domain about how Consent operated. It is thus not surprising that people drew their own conclusions from the little they did know. Consent is complex and arcane and even now there is more information publicly available, the process can be difficult to understand. Professor Brazier comments:

Understanding when royal consent is required, and the procedures that are to be followed, fill several pages in Erskine May and in the document from the Office of the Parliamentary Counsel. There is a complexity surrounding the topic that will completely defeat the interested citizen and, I expect, even some lawyers and parliamentarians. There is at least a case for greater clarity being brought to the matter, possibly through a non-legal codification, in as clear terms as possible, of the requirements and procedures relating to royal consent.⁵³

31. The details of the process themselves sometimes seem to support the view that the Queen has more than a formal role. Professor Brazier comments of the procedure set out in the Cabinet Office *Guide to Making Legislation* and the Office of the Parliamentary Counsel pamphlet:

This procedure indicates that royal consent requires more than the Sovereign being merely asked for formal approval. It raises the question of why such minimum notice, full explanation, advice from the Sovereign's solicitors, and continuing information, are required. By contrast, a request for royal assent to legislation is entirely formal—which is as it should be. After legislation has passed both Houses (or under the Parliament Acts) royal assent by the Sovereign to it is a constitutional formality.⁵⁴

Dr Tucker comments of the details of the Consent process as set out in the Cabinet Office *Guide to Making Legislation* and the Office of the Parliamentary Counsel pamphlet: “This process is wholly inconsistent with any characterisation of the procedure as symbolic. It is designed to facilitate genuine reflection and to elicit informed Consent.”⁵⁵

32. When we put this point to Richard Heaton, he replied:

It [Consent] is a part of the constitution that is taken seriously and duly attended to. It is more than a pure formality. It does require a substantive letter and the letter writer to apply their mind to it. As you have seen from the guidance, the letter is copied to Farrer's. It is not for me to speculate, but no doubt Farrer's can explain to the royal household quite what this Bill is doing. There are substantive bits of correspondence going on. It is one of the things that you have to cover when you are preparing a Bill.⁵⁶

53 Professor Rodney Brazier ([QPC7](#)) para 25.1

54 Professor Rodney Brazier ([QPC7](#)) para 14

55 Dr Adam Tucker ([QPC4](#)) para 28

56 Q27

However, he also told us that, to the best of his knowledge, legislation was never altered as a result of the Consent process. He added:

There is correspondence going between Departments and the palace. I don't necessarily see the entirety of the correspondence. I suppose, thinking about it, if the amendment had required the drafter to do something differently I would know. Certainly, in the office knowledge there is no change, which probably suggests that there is no change, but I am just a bit nervous about giving a comprehensive answer.⁵⁷

33. The written evidence from the Clerks of the two Houses draws attention to the distinction between the constitutional role of the Queen and the Prince of Wales in respect of Consent, and their personal positions:

The distinction between the constitutional duty of the Prince of Wales to act on the advice of the Government in respect of his interest and his personal position in relation to a private Bill was demonstrated in 1970 when the Prince of Wales, as Duke of Cornwall, both consented to the Plymouth and South West Devon Water Bill and petitioned against it.⁵⁸

Private Bills are Bills that confer particular powers or benefits on a person or body of people in addition to, or in conflict with, the general law. *Erskine May* explains: "The persons who are applying for powers or benefits appear as petitioners for the bill, while those parties who fear that their interests may be adversely affected by its provisions have the opportunity to oppose it."⁵⁹ In the instance referred to above, the Prince of Wales granted his Consent to the Bill, in a formal constitutional capacity, and also used the process open to any interested parties to petition against the Bill.

34. Republic said that they "accept that the withholding of consent—ie the exercise of the 'veto'—has only ever occurred on the advice of the ministers", although they added that this was "not their primary concern". Their primary concern was: "Because this process is conducted in secret, MPs and the public have no way of knowing if and how legislation has been altered during the consent process."⁶⁰

35. When the Queen or the Prince of Wales grant their Consent to Bills, they do so on the advice of the Government. We have no evidence to suggest that legislation is ever altered as part of the Consent process. The fact that the Prince of Wales has in the past both granted his Consent to a Bill, in a constitutional capacity, and petitioned against it, in a personal capacity, indicates the formal nature of the process. However, the process of Consent is complex and arcane and its existence, and the way in which the process operates, undoubtedly do fuel speculation that the monarchy has an undue influence on the legislative process. The fact that Consent is sometimes characterised as a veto underlines this point. In reality, it is a veto that could be operated by the Government, rather than the monarchy.

57 Q33

58 Clerk of the Parliaments and Clerk of the House of Commons ([QPC09](#)) para 21

59 *Erskine May: Parliamentary Practice*, 24th Edition (2011), p922

60 Republic ([QPC 5](#)) para 3

Constitutional justification

36. Our witnesses expressed a variety of different views about the constitutional justification for Consent. Dr Tucker states “that the practice of Consent lacks a compelling constitutional justification”.⁶¹ He comments:

Any involvement of the Prince of Wales in the legislative process is constitutionally unacceptable. My arguments about justification will accordingly focus mainly on the Queen.

The position of the Queen is markedly more subtle. Her involvement in the legislature must be sufficient to sustain the constitutional tradition that our legislature, properly understood, consists of the Queen-in-Parliament. But beyond that, no substantive involvement in the legislative process itself is constitutionally appropriate, except the (contested) possibility of intervention in wholly exceptional (and generally implausible) circumstances. Even the most radical (as far as I am aware) contemporary endorsement of the involvement of the Queen in legislative politics includes the pointed concession that her role “should be overall minimal to the point of being non-existent”.⁶²

He continues:

These principles do not leave much room for the operation of any practice of Consent. The procedures which surround the Royal Assent exhaustively capture the appropriate level of legislative involvement by the Queen; they neatly combine the necessary symbolism of the Queen-in-Parliament with a certain (but very modest) ambiguity about the possibility of any substantive involvement in legislating. This has an important consequence for an evaluation of Consent requirements: the best that could be said of them is that they are redundant as the Queen’s role in legislating is already exhaustively and appropriately constitutionalised.⁶³

37. Professor Brazier states that one possible reason which could be used to justify the continuance of Consent is: “The requirement of royal consents is a matter of comity between Parliament and the Crown.” He continues:

In other words, before Parliament sets to work on legislation that affects the Sovereign or The Prince of Wales (as Duke of Cornwall), they should be informed and have the ability to comment on that legislation. In my view courtesy requires timely information being given to the Royal Households. The Sovereign also has the conventional rights to be consulted, to encourage, and to warn Ministers. But to have a theoretical veto on top of that is another matter. And its existence also raises the question—which I cannot answer—of what transpires between Ministers and Departments and the Households when consents are sought.⁶⁴

61 Dr Adam Tucker (QPC 4) para 3

62 Dr Adam Tucker (QPC 4) paras 16 to 17. Dr Tucker is quoting Yann Allard-Tremblay, ‘Proceduralism, Judicial Review and the Refusal of Royal Assent’ (2013) 33 Oxford Journal of Legal Studies 379, 392.

63 Dr Adam Tucker (QPC 4) para 19

64 Professor Rodney Brazier (QPC 7) para 24.2

On Consent in relation to prerogative powers, he states:

In relation to the royal prerogative, it is for Parliament if it wishes to abolish or amend a prerogative rule...Any arguments that a Sovereign wished the Government to consider about the prerogative (or any other official business) can be raised with the Prime Minister using the Sovereign's conventional power to be consulted, to advise, and to warn.⁶⁵

38. Professor Blackburn states:

The case for maintaining the Royal Consent is simply ceremonial, forming part of the public theatre surrounding the monarchy today, enjoyed by many. It is part of the wide-ranging conventional courtesies owed to the Queen and Prince of Wales, supporting their dignity and national memories of the historical traditions of monarchy from centuries past when they presided over the operation of the state in all its forms, executive, legislative and judicial.⁶⁶

He continues:

It might be courteous for a government department to give the Queen's or Prince's offices notice of pending policy decisions that significantly affected the Crown estates or the royal Duchies, but this does not justify what is effectively a scrutiny reserve and power of veto over parliamentary proceedings on a Bill.⁶⁷

39. Richard Heaton told us:

The sovereign is one of the tripartite parts of legislature. So at the Royal Assent end of the process it is very clear that the House of Commons, the House of Lords and the sovereign all have to give their agreement to a piece of legislation. The Queen's consent starts from a different end of the telescope, which is the comity between Parliament and the sovereign. The sovereign has a range of prerogative and other interests, which Parliament on the whole does not encroach into. The Queen's consent is the sovereign saying, "I put these at the disposal of Parliament for you to legislate as you see fit." It is a different sort of process.

...I suppose for me—and you will take a view on this—it is a living reminder of the constitutional settlement whereby the sovereign actually does, as a matter of constitutional convention, place her interests at the disposal of Parliament. It is one of those sort of customary, slightly formal aspects of our constitution that reminds us of how we have got to where we are. We do have a sovereign with prerogative powers, but as a matter of convention the sovereign places those prerogative powers at the disposal of Parliament, which is consistent with a constitutional monarchy.⁶⁸

40. Sir Robert Rogers told us: "I see it [Consent] as part of the comity between what are after all the three parts of Parliament, the Queen, the Queen in Parliament and the two

65 Professor Rodney Brazier ([QPC7](#)) para 25.6

66 Professor Robert Blackburn ([QPC 10](#)), para 11

67 Professor Robert Blackburn ([QPC 10](#)) para 19

68 Q34

Houses.”⁶⁹ David Beamish said that he agreed and added: “So in one sense it is not necessary, in that this Committee could recommend its abolition, but it chimes with other ways in which the three parts of Parliament work together.”⁷⁰

41. The United Kingdom is a constitutional monarchy. The Queen has the right to be consulted, to advise and to warn. But beyond that she should have no role in the legislative process. Consent serves to remind us that Parliament has three elements—the House of Commons, the House of Lords, and the Queen-in-Parliament—and its existence could be regarded as a matter of courtesy between the three parts of Parliament. Whether this is a compelling justification for its continuance is a matter of opinion.

Could the process be simplified?

42. One minor simplification has already been made to the process of Consent. In the past, resignification was needed for a Bill that had not received Royal Assent in one parliamentary session and was re-introduced in a subsequent session. This is reflected in the December 2012 Office of the Parliamentary Counsel pamphlet, which states: “Resignification may also be necessary if consent has been signified in one session and the bill is then carried over into the next session.”⁷¹ The revised version of the pamphlet, dated October 2013, states: “On carry-over from one session to the next, the recent practice has been that Queen’s consent need not be re-signified—see, for example, the bill for the Constitutional Reform and Governance Act 2010. It is expected that this precedent will be followed in the future.”⁷² *We recommend that if a Bill is re-introduced in a subsequent session the precedent of not seeking resignification of Consent be followed.*

43. The written evidence from the Clerks of the two Houses suggests several ways in which the process of Consent could be further simplified and made more transparent. First, the Clerks comment:

At present consent has to be signified personally by a Privy Counsellor in the House where the Bill is to be considered. The fact that consent has been obtained could instead be noted on the Order Paper (in the Commons this would be in the same way as noting the Queen’s recommendation to a Money Resolution). That would avoid the possibility of the absence of a Privy Counsellor preventing the question being proposed on a Bill.⁷³

This seems a sensible, albeit minor, change. *We recommend that Consent should no longer need to be signified personally by a Privy Counsellor. Consent should instead be indicated on the Order Paper. This would prevent a situation in which the absence of a Privy Counsellor meant that Consent could not be signified, and the debate could not take place, thus delaying progress on the Bill.*

69 Q5 [Sir Robert Rogers]

70 Q5 [David Beamish]

71 Office of the Parliamentary Counsel, *Queen’s or Prince’s Consent*, December 2012, para 5.20

72 [Queen’s or Prince’s Consent](#), October 2013, para 5.20

73 Clerk of the Parliaments and Clerk of the House of Commons ([QPC9](#)) para 26

44. The two Clerks continue:

The process could also be made more transparent. At present, unless consent is required to be signified on second reading, Members are unaware that a Bill requires Queen's or Prince's consent until after the Bill has (in the Commons) completed its committee stage or (in the Lords) until the day of Third Reading. The requirement for consent could be put on the Order Paper of the relevant House as soon as the Bill had been printed.⁷⁴

Again, this small change seems sensible. ***To improve transparency, we recommend that, if Consent is required for a Bill, the requirement be published as soon as the Bill is printed.***

45. The Clerks also state that we “may wish to consider whether the distinction between signification of consent on second or third reading is still valid or whether consent should instead be signified at the same stage on every Bill.”⁷⁵ They continue:

As amendments made in Committee or on consideration occasionally require Queen's consent it would be preferable to delay signification of consent until third reading. That would also mean that there was more time for private Members to obtain consent. Commons private Members' Bills are sometimes printed only days before second reading and it might not be apparent until the final version was available that consent would be required.⁷⁶

Delaying the signification of Consent until Third Reading in all cases has several advantages. First, it would, in a small way, simplify and clarify the process. Secondly, it would facilitate the recommendation we made earlier in this report that the Government should as a matter of course seek Consent for all Private Members' Bills for which the House authorities have decided Consent is needed. If Consent were not required until Third Reading is it more likely that Private Members' Bills would have been published in time for the Government to seek Consent. Thirdly, it would make it more difficult for the Government ever to use the process of Consent as a way of curtailing debate on Private Members' Bills it did not like: at the very least, there would be a Second Reading debate, a Committee stage debate, and a Report stage debate, before the Bill's progress was halted. Fourthly, it would reduce the need for Consent to be resignified because amendments had been made to the Bill. ***Currently, in some instances Consent is signified at Second Reading, and in others at Third Reading. We recommend that Consent be signified at Third Reading in both Houses, in all instances.***

74 Clerk of the Parliaments and Clerk of the House of Commons ([QPC9](#)) para 27

75 Clerk of the Parliaments and Clerk of the House of Commons ([QPC9](#)) para 28

76 Clerk of the Parliaments and Clerk of the House of Commons ([QPC9](#)) para 28

Conclusions and recommendations

Conclusions are in plain text, recommendations are in italics.

The process

1. We accept that it is not always appropriate for the Government to publish its legal advice, but individuals should not have to resort to freedom of information requests to obtain material that is suitable for publication and would throw light on the legislative process, as happened in the case of the pamphlet on Queen's Consent. We are encouraged by the positive attitude of First Parliamentary Counsel towards the publication of potentially useful information. (Paragraph 3)
2. *We recommend that the Office of the Parliamentary Counsel continue proactively to publish its internal documents that could be of interest to the wider public, unless there is a strong reason not to do so. (Paragraph 3)*

Origins and basis of the process

3. Consent is a matter of parliamentary procedure. If the two Houses of Parliament were minded to abolish Consent, they could do so by means of addresses to the Crown, followed by a resolution of each House. Legislation would not be needed. (Paragraph 20)

Should Consent continue to be part of the legislative process?

4. *We recommend that, if the House authorities decide that Consent is needed for a Private Member's Bill, the Government should as a matter of course seek Consent. This would remove any suggestion that the Government is using the Consent process as a form of veto on Bills it does not support. Members should, in turn, make sure that they publish the text of their Bill in time for Consent to be sought. (Paragraph 27)*
5. *We entirely accept that correspondence between the Government and the Royal Household is not normally published. However, given that the correspondence in this instance is a matter of routine, we recommend that, when Consent is being sought for a Private Member's Bill, the letter from the Department to the Royal Household should be copied to the Member concerned if the Member requests this. This would increase transparency and remove any perception of undue Government influence. (Paragraph 29)*
6. When the Queen or the Prince of Wales grant their Consent to Bills, they do so on the advice of the Government. We have no evidence to suggest that legislation is ever altered as part of the Consent process. The fact that the Prince of Wales has in the past both granted his Consent to a Bill, in a constitutional capacity, and petitioned against it, in a personal capacity, indicates the formal nature of the process. However, the process of Consent is complex and arcane and its existence, and the way in which the process operates, undoubtedly do fuel speculation that the monarchy has an undue influence on the legislative process. The fact that Consent is

sometimes characterised as a veto underlines this point. In reality, it is a veto that could be operated by the Government, rather than the monarchy. (Paragraph 35)

7. The United Kingdom is a constitutional monarchy. The Queen has the right to be consulted, to advise and to warn. But beyond that she should have no role in the legislative process. Consent serves to remind us that Parliament has three elements—the House of Commons, the House of Lords, and the Queen-in-Parliament—and its existence could be regarded as a matter of courtesy between the three parts of Parliament. Whether this is a compelling justification for its continuance is a matter of opinion. (Paragraph 41)
8. *We recommend that if a Bill is re-introduced in a subsequent session the precedent of not seeking resignification of Consent be followed. (Paragraph 42)*
9. *We recommend that Consent should no longer need to be signified personally by a Privy Counsellor. Consent should instead be indicated on the Order Paper. This would prevent a situation in which the absence of a Privy Counsellor meant that Consent could not be signified, and the debate could not take place, thus delaying progress on the Bill. (Paragraph 43)*
10. *To improve transparency, we recommend that, if Consent is required for a Bill, the requirement be published as soon as the Bill is printed. (Paragraph 44)*
11. *Currently, in some instances Consent is signified at Second Reading, and in others at Third Reading. We recommend that Consent be signified at Third Reading in both Houses, in all instances. (Paragraph 45)*

Annex A: terms of reference

The process

1. When and how are Queen's and Prince's Consent sought? What is the source of the procedure?
2. Who makes the final determination as to whether Queen's or Prince's Consent is necessary?
3. For what reasons would Queen's or Prince's Consent be refused?
4. On what occasions in the past 20 years has the Government advised the Queen or Prince of Wales to refuse Consent and why?
5. To what extent are Members of Parliament advised on the requirement of Queen's or Prince's Consent when introducing Private Members' Bills?
6. How does Queen's or Prince's Consent operate in the Devolved Administrations?

The impact

7. Is there a continuing justification for Queen's or Prince's Consent to be part of the legislative process?
8. What impact does Queen's or Prince's Consent have on parliamentary scrutiny and debate?
9. Is there a risk that the requirement of Queen's or Prince's Consent could be seen as politicising the Monarchy? If so, how could this risk be mitigated?
10. Is there a danger that the process of Queen's or Prince's Consent could be seen as a selective veto for Ministers over Private Members' Bills? If so, how could this risk be mitigated?
11. Should the requirement of Queen's or Prince's Consent be codified?

Formal Minutes

Thursday 20 March 2014

Members present:

Mr Graham Allen, in the Chair

Mr Christopher Chope
Tracey Crouch
Mark Durkan
Paul Flynn

David Morris
Chris Ruane
Mr Andrew Turner

Draft Report (*The impact of Queen's and Prince's Consent on the legislative process*), proposed by the Chair, brought up and read.

Draft Report (*The impact of Queen's and Prince's Consent on the legislative process*), proposed by Paul Flynn, brought up and read, as follows:

1. Consent is at best otiose and at worst a possible elephant trap that could lead to future constitutional crises.
2. The evidence given to the Committee was remarkably unanimous in its failure to find any convincing reasons for continuing with the use of Royal Consent. The only justification was given on the basis of 'comity'. The great majority of the evidence is that consent is a piece of anachronistic legislative litter that serves no useful purpose. Royal Assent is in place and is unlikely to be changed. It give full powers to the monarchy to stop Bills that they think are damaging to the country's interests or to their own interests. There has been no consideration of the use of Royal Assent by the Committee.
3. Consent now places obstacles in the progress of Bills and in some cases obstacles that prevent Bills being considered at all. It wastes the time, money, and skills of clerks and lawyers and its origins are little understood. No convincing case has been presented by any of our many witnesses for its continuing use. At least 39 Bills have been subject to royal approval with the senior royals using their power to consent or block new laws in areas such as higher education, paternity pay and child maintenance. Possibly the most significant Bill was described in internal Whitehall papers prepared by the Cabinet Office for lawyers. It shows that on one occasion a bill was not presented to the Queen for assent. The Bill was in the name of Tam Dalyell in 1999 and it aimed to give the power of initiating and approving military strikes against Iraq from the Monarch to Parliament. The Bill was prophetic in anticipating a situation that has been developed since then by precedent. Following the vote for the first time in our history in 2003 on the decision to go to war in Iraq, all parties have since said they would respect this precedent and that Parliament would vote on these occasions in future. If a future monarch should wish to obstruct the will of Parliament on a matter of this magnitude, I believe it would create a constitutional crisis.
4. Professor Robert Blackburn had stated in his written evidence that "there is a cost factor in maintaining this system of Royal Consent." Professor Blackburn added: "It is difficult to quantify this in terms of time taken or financial calculation of the support service provided, but it involves an extensive reading of documentation and letter writing by officials in the Office of Parliamentary Counsel, the Clerks of Legislation in both Houses of Parliament, the Queen's Private Secretary at Buckingham Palace, and liaison with the Queen's Solicitors, Messrs Farrer & Co."
5. Power to approve or disapprove in defiance of a parliamentary vote for or against a war would be taken as an unwarranted interference in the democratic process. The committee has not looked in detail at the use of the Royal Prerogative which in almost all cases is delegated to government

ministers. The main report is too heavily dependent on the recent experience of the present monarch who has been in all known cases inert on political matters. This is not necessarily a guide for the future as we might have a monarch with strong opinions who may decide to express their strong views by declining consent. In our present democratic age this would be judged to be an intolerable imposition of a gag on the freedom of MPs – especially back bench MPs.

6. Tam Dalyell's Bill of 1999 anticipated the present situation in Parliament which was reflected in the vote of August 29th when the Commons decided not to support a Prime Minister intent on going to war in Syria. Public opinion today would probably not tolerate the use of the Royal Consent to block the express view of a Parliament in matters of such gravity. Parliament, recently through the Wright reforms and other changes, has become more open for debate especially debates initiated by back benches and non government parties. This young Committee has 'Reform' in its title. Ending Consent is an easily attainable reform that should be implemented. We would be faithfully reflecting the recommendations of those who have gone to a great deal of trouble to give evidence to us. I believe it will have a deleterious effect on our status and the willingness of future witnesses to prepare detailed evidence if we disregard the weight of their evidence.
7. The arguments in favour of the present proposals are that they are likely to be acceptable to government and that they will make life slightly less irksome for Privy Counsellors. The suggestion that Consent should be continued to remind Parliament of the three branches of government is not convincing. Royal Assent does this and there are no proposals to abolish that. There are also at least a thousand physical reminders in the form of statutes, paintings and coats of arms that remind members of the role of the monarchy in our Parliament.
8. Changes to our parliamentary system and our legislative processes are rare. However there is no plausible case for maintaining this wasteful and time consuming procedure. The reform of Consent does not require legislation but merely needs a motion put to the House such as that proposed by Lord Berkeley that: 'Nothing in any rule of law, or the law, or practice of Parliament shall require a Parliament to seek the consent of the Monarch, the Prince of Wales, the Duke of Cornwall or the Prince Regent to the consideration of public bills which pass through Parliament.'
9. Finally, the Committee is in an interesting position in that, as far as I know, the future of Consent has never before been debated or considered by a Select Committee. If we fail to recommend a reform, for many years into the future that decision will be interpreted as approval of the present system. It will be said that a Select Committee looked at this and found that there was nothing wrong with Consent. That would be a very unfortunate impression to give and I believe, a dereliction of our role as a reform committee.

Motion made, and Question proposed, that the Chair's draft Report be read a second time, paragraph by paragraph.—(*The Chair.*)

Amendment proposed, to leave out "Chair's draft Report" and insert "draft Report proposed by Paul Flynn".—(*Paul Flynn.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 45 read and agreed to.

Annex agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till 27 March 2014 at 9.00 a.m.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/political-and-constitutional-reform-committee/inquiries/parliament-2010/queens-consent/>

Thursday 31 October 2013

Question number

Sir Robert Rogers KCB, Clerk of the House, and David Beamish, Clerk of the Parliaments; Richard Heaton, First Parliamentary Counsel, Cabinet Office

[Q1-36](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/political-and-constitutional-reform-committee/inquiries/parliament-2010/queens-consent/>

INQ numbers are generated by the evidence processing system and so may not be complete.

- 1 [Lord Berkeley \(QPC 01\)](#)
- 2 [Dr Adam Tucker \(QPC 04\)](#)
- 3 [Republic \(QPC 05\)](#)
- 4 [Dr John Kirkhope \(QPC 06\)](#)
- 5 [Professor Rodney Brazier \(QPC 07\)](#)
- 6 [Rt Hon Andrew Lansley CBE MP, Leader of the House of Commons \(QPC 08\)](#)
- 7 [Clerk of the Parliaments and the Clerk of the House of Commons \(QPC 09\)](#)
- 8 [Professor Robert Blackburn \(QPC 10\)](#)
- 9 [Richard Heaton CB, Permanent Secretary and First Parliamentary Counsel \(QPC 11\)](#)

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Parliamentary Voting System and Constituencies Bill	HC 422
Second Report	Fixed-term Parliaments Bill	HC 436 (Cm 7951)
Third Report	Parliamentary Voting System and Constituencies Bill	HC 437 (Cm 7997)
Fourth Report	Lessons from the process of Government formation after the 2010 General Election	HC 528 (HC 866)
Fifth Report	Voting by convicted prisoners: Summary of evidence	HC 776
Sixth Report	Constitutional implications of the Cabinet Manual	HC 734 (Cm 8213)
Seventh Report	Seminar on the House of Lords: Outcomes	HC 961
Eighth Report	Parliament's role in conflict decisions	HC 923 (HC 1477)
Ninth Report	Parliament's role in conflict decisions: Government Response to the Committee's Eighth Report of Session 2010-12	HC 1477 (HC 1673)
Tenth Report	Individual Electoral Registration and Electoral Administration	HC 1463 (Cm 8177)
Eleventh Report	Rules of Royal Succession	HC 1615 (HC 586)
Twelfth Report	Parliament's role in conflict decisions—further Government Response: Government Response to the Committee's Ninth Report of Session 2010-12	HC 1673
Thirteenth Report	Political party finance	HC 1763

Session 2012–13

First Report	Recall of MPs	HC 373 (HC 646)
Second Report	Introducing a statutory register of lobbyists	HC 153 (HC 593)
Third Report	Prospects for codifying the relationship between central and local government	HC 656(Cm 8623)
Fourth Report	Do we need a constitutional convention for the UK?	HC 371

Session 2013-14

First Report	Ensuring standards in the quality of legislation	HC 85 (HC 611)
Second Report	The impact and effectiveness of ministerial reshuffles	HC 255
Third Report	Revisiting Rebuilding the House: the impact of the Wright reforms	HC 82 (HC 910)
Fourth Report	The role and powers of the Prime Minister: the impact of the Fixed-term Parliaments Act 2011 on Government	HC 440 (HC 1079)

Fifth Report	Pre-appointment hearing: The Chair of the House of Lords Appointments Commission	HC 600
Sixth Report	Introducing a statutory register of lobbyists: Government Response to the Committee's Second Report of Session 2012-13	HC 593
Seventh Report	The Government's lobbying Bill	HC 601
Eighth Report	Parliament's role in conflict decisions: an update	HC 649
Ninth Report	House of Lords reform: what next?	HC 251
Tenth Report	The Government's lobbying Bill: follow up	HC 891