

Debate Pack

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English Votes for English Laws - rescinding Standing Orders

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Summary

On 22 October 2015, the House of Commons [agreed to changes to its Standing Orders](#) to allow members from England or England and Wales to give their consent to legislation that affected only England, or England and Wales, and that was within devolved legislative competence. The procedures apply to Government bills and to statutory instruments. The procedures are known as “English Votes for English Laws” (EVEL).

Since April 2020, when the House changed some of the rules relating to proceedings in the Chamber because of the coronavirus pandemic, the Standing Orders relating to EVEL have not had effect.

On 13 July 2021, the House will be asked to rescind the EVEL Standing Orders introduced in 2015 to and make consequential changes to other Standing Orders. The motion has been brought forward by the Government.

On 8 July 2021, Michael Gove, the Minister of the Cabinet Office, [told the House](#) that “the Government believe that it has not served our Parliament well and that removing it would simplify the legislative process”. And on 12 July

2021, he issued a [written statement](#) describing the reasons for the introduction of EVEL and confirming the Government's intention that the House should decide whether the procedure should be removed from the legislative process.

1 EVEL - background¹

On 22 October 2015, the House of Commons approved Standing Order changes that gave effect to the Government's plans to introduce "English votes for English laws" (EVEL).²

The [English votes for English laws process](#) is described in the MPs' Guide to Procedure.

Before the Standing Order changes were introduced, the Government said that its proposals would "provide fairness for England in our constitutional arrangements":

They will give English MPs, and in some cases English and Welsh MPs, a power of veto to prevent any measure from being imposed on their constituents against their wishes. No law affecting England alone will be able to be passed without the consent of English MPs. They will also give English MPs a power of veto over secondary legislation and a range of English public spending motions on matters that affect England only, and they will give the decisive vote on tax measures to MPs whose constituents are affected by those changes, once further planned devolution to Scotland takes place.³

Opposition parties opposed the introduction of EVEL, in part on the basis that it created "two tiers of MPs". This criticism continued to be raised in proceedings in Legislative Grand Committee.⁴

1.1 Why was EVEL introduced?

In the Queen's Speech, on 27 May 2015, the Government announced that it would bring forward changes to Standing Orders to implement its proposals for English votes for English laws:

¹ For a more detailed account of the background to and introduction of the EVEL Standing Orders, see the Library briefing [English votes for English laws](#) (CBP 7339, 20 June 2017)

² HC Deb 22 October 2015 cc1159-1255

³ [HC Deb 2 July 2015 c1646](#)

⁴ See for example, [HC Deb 12 December 2018 c336](#)

My Government will bring forward changes to the Standing Orders of the House of Commons. These changes will create fairer procedures to ensure that decisions affecting England, or England and Wales, can be taken only with the consent of the majority of Members of Parliament representing constituencies in those parts of our United Kingdom.⁵

This followed a Conservative Party manifesto commitment:

we will introduce English votes for English laws, answering the longstanding West Lothian Question in our democracy.⁶

Broadly the West Lothian Question refers to the constitutional anomaly whereby Members representing Scottish constituencies (or Welsh or Northern Irish constituencies) may vote on legislation which extends to England, but neither they nor Members representing English seats can vote on subjects which have been devolved to the Scottish Parliament and which the UK Parliament does not therefore routinely address.

1.2

Review of the operation of EVEL

The Procedure Committee undertook a “technical evaluation of the arrangements for ‘English votes for English laws’”. Its report was published on 19 December 2016.⁷

It concluded that despite fears that the certification process could politicise the role of the Speaker, there had been no dissatisfaction with his decisions. However, it expressed concerns about the lack of substantive debate in Legislative Grand Committees – the proceeding in which MPs representing seats in England (or England and Wales) gave their approval to legislation affecting their constituents. It also expressed dissatisfaction with the Standing Orders

The Government responded to the Procedure Committee in its [Technical Review of the Standing Orders Related to English Votes for English Laws and the Procedures they Introduced](#), which was published on 30 March 2017.⁸

No changes have been made to the Standing Orders since their adoption in 2015.

⁵ [HC Deb 27 May 2015 c32](#)

⁶ Conservative Party, [The Conservative Party Manifesto 2015](#), p49

⁷ Procedure Committee, [English votes for English laws Standing Orders: report of the Committee’s technical evaluation](#), 19 December 2016, HC 189 2016-17

⁸ Leader of the House of Commons, [Technical Review of the Standing Orders Related to English Votes for English Laws and the Procedures they Introduced](#), March 2017, Cm 9430

2 Temporary suspension of EVEL Standing Orders

When changes were introduced to allow hybrid proceedings in the House of Commons in April 2020, as a result of the pandemic, the EVEL procedures were suspended. The motion to implement hybrid proceedings also provided that “Standing Orders Nos 83J to 83X shall not have effect”.⁹ The suspension of these Standing Orders originally lasted until 12 May 2020 but has been extended on a number of occasions.

On 12 May, the temporary orders were extended until 20 May.¹⁰ At that point the temporary orders ceased to have effect.

But then on 2 June 2020, the House made new arrangements for proceedings during the pandemic. Among other things, the new Order provided that:

(5) Standing Orders Nos. 83J to 83X (Certification according to territorial application etc) shall not apply.¹¹

These provisions were to have effect until 7 July 2020 but on 1 July 2020 the Order of 2 June 2020 was extended to “have effect until 2 September 2020”.¹²

On 2 September 2020, the expiry of the provisions was again extended to 3 November 2020.¹³

And on 22 October 2020, it was agreed that the Order of 2 June 2020 should “have effect until 30 March 2021”.¹⁴

On 25 March 2021, the temporary arrangements, including the suspension of EVEL, were further extended until 21 June.¹⁵

Most recently, on 16 June 2021, the temporary arrangements were extended until 22 July 2021,¹⁶ the day the House rises for the summer recess.

⁹ [HC Deb 22 April 2020 cc74-80](#)

¹⁰ [HC Deb 12 May 2020 cc213-216](#) and [cc222-226](#)

¹¹ [HC Deb 2 June 2020 cc725-760](#)

¹² [HC Deb 1 July 2020 c479](#)

¹³ [HC Deb 2 September 2020 cc245-254](#)

¹⁴ [HC Deb 22 October 2020 c1338](#)

¹⁵ [HC Deb 25 March 2021 cc1109-1170](#)

¹⁶ [HC Deb 16 June 2021 cc327-398](#)

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Proposals to rescind the Standing Orders

On 16 June 2021, The Times reported that the Cabinet Office Minister, Michael Gove, had brought forward proposals to abolish EVEL. It quoted Mr Gove, who said:

Ultimately, it's a convention which arose out of a set of circumstances after the 2014 referendum, where you had a coalition government and so on ... We've moved on now, so I think it's right to review where we are on it . . . My view is that the more we can make the House of Commons and Westminster institutions work for every part of the UK and every party in the UK, the better.¹⁷

In an evidence session with the Procedure Committee on 28 June 2021, the Leader of the House, Jacob Rees-Mogg, acknowledged that the information in The Times had come out in a “non-timely way” but he went to explain why the Government believed that the Standing Orders should be rescinded:

... EVEL has been suspended for a year without any loss of effectiveness to the way the House operates, any loss to the constitution or any loss to MPs' ability to represent their constituents. Actually, when you look back on it, it is very hard to see that EVEL has served any useful purpose in the whole time that it has been in the Standing Orders, and at a level of complexity and non-understanding that is, I think, quite high.

I think the EVEL Standing Orders take up more than 10% of all our Standing Orders, for a procedure that has not had an effect on our business once in the time in which it has been available. The Government are of the view that EVEL is no longer a necessary process within the House of Commons, irrespective of the pandemic. It is not a pandemic-related change but simply a recognition that it has not contributed to constitutional development in the way that may have been hoped.¹⁸

He also told the Committee that “EVEL contradicted to some extent” the constitutional principle that “every Member of Parliament is absolutely equal”.¹⁹

Mr Rees-Mogg argued that decisions on EVEL were not related to other temporary measures that were coming to an end.²⁰ In relation to hybrid

¹⁷ Patrick Maguire, Oliver Wright, Kieran Andrews, “[Scottish MPs could vote down English laws in Michael Gove's attempt to save the union](#)”, Times, 16 June 2021 [subscription required]

¹⁸ Procedure Committee, [Oral Evidence: Procedure under coronavirus restrictions](#), 28 June 2021, Q526

¹⁹ Ibid, Q528

²⁰ Ibid, Q528

proceedings, which were also implemented “by consensus on the basis that they were temporary”, Mr Rees-Mogg said:

The pandemic should not be used as an opportunity to make long term changes to our proceedings. Changes to procedure are ultimately a matter for the House and, once we return to normal, the House may wish to take time to reflect on the last year and review the impact on our proceedings.²¹

At Cabinet Office questions on 8 July 2021, Michael Gove, the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, told the House that:

My Department, along with the Leader of the House, has been reviewing the English votes for English laws procedure. The procedure has been suspended since April 2020 and, having reflected on the procedure, the Government believe that it has not served our Parliament well and that removing it would simplify the legislative process. It is a fundamental principle that all constituent parts of the United Kingdom should be equally represented in Parliament. Any changes, of course, would be for the House to decide and we will bring forward a motion in due course.²²

The motion to rescind the EVEL Standing Orders is set out on the Future Business pages of the Order Paper for Monday 12 July 2021.²³

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Further information

The [Project EVEL](#) website provides information on how EVEL works, data relating to the bills, instruments and motions that have been certified under EVEL Standing Orders and links to academic reports on EVEL.

A blog post “[Deliver us from EVEL? Is the government right to abolish ‘English votes for English laws’?](#)” by two contributors to the Project EVEL website was published on the Constitution Unit website on 27 June 2021.

Following the announcement on 8 July 2021 that a motion relating to EVEL was to be debated on 13 July,²⁴ the BBC reported on “Plans to scrap English votes for English laws”.²⁵

²¹ [PQ24318](#), 6 July 2021 [on House of Commons; hybrid proceedings]

²² [HC Deb 8 July 2021 c1059](#)

²³ House of Commons, Order Paper, 12 July 2021, [English Votes for English Laws](#), pp18-20

²⁴ [HC Deb 8 July 2021 c1065](#)

²⁵ BBC News, [Plans to scrap English votes for English laws](#), 8 July 2021

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