

## REDEEMING DEMOCRACY: THE IMPLICATIONS OF CONSTITUTIONAL REFORMS IN THE UNITED KINGDOM

---



**Paw Ying Hui**

*Currently pursuing Year 2 of the LL.B on the UK Degree Transfer Programme (Law) at HELP University*

### Introduction

Democracy ceases to exist when it no longer reflects the will of the people. This is especially so when the constitution is seen as outdated.

Theorists such as Marshall and Moodie, AV Dicey and KC Wheare have explained the meaning of a constitution.<sup>1</sup> A constitution according to Thomas Paine, is ‘antecedent to a government’.<sup>2</sup> As the United Kingdom’s constitution is uncodified, it is flexible and hence, is able to adapt itself to reflect the moral and political values of the society it governs.<sup>3</sup>

As such, reforms are implemented to ensure that the constitution adapts to the needs of the people at the present time.

The term “constitutional reform” signifies that changes made to the constitution are seen as positive developments.<sup>4</sup> Constitutional reforms are often initiated to amend the flaws in a constitution. Beginning from the

---

<sup>1</sup> Hilaire Barnett, *Constitutional and Administrative Law* (10th edn, Routledge 2013) 7.

<sup>2</sup> Michael Allen and Brian Thompson, *Cases & Materials on Constitutional and Administrative Law* (10th edn, OUP 2011) 1.

<sup>3</sup> ‘For and against fixed-term parliaments’ *The Week* (London, 11 May 2010) <[www.theweek.co.uk/politics/28133/and-against-fixed-term-parliaments](http://www.theweek.co.uk/politics/28133/and-against-fixed-term-parliaments)> accessed 28 December 2012.

<sup>4</sup> Constitution Committee, *The Process of Constitutional Change (fifteenth report)* (HL Paper 177, 2010-2011).

government of Tony Blair, the UK has undertaken many constitutional reforms to face the many challenges that are still confronting the nation.<sup>5</sup> In this paper, the author will discuss: (1) the Fixed Term Parliament Act 2011, (2) the modernisation of the Upper House (House of Lords), (3) the enactment of the Constitutional Reform Act 2005 and; (4) Devolution of Powers to Northern Ireland, Scotland and Wales.

### **Fixed-Term Parliament – A Step Forward?**

Democracy according to Abraham Lincoln, is a ‘government of the people, by the people, for the people.’<sup>6</sup> Hence, it is undeniable that procedural fairness in general elections is important in ensuring democracy. The general election is a medium where the public choose their representatives to be their voice in matters concerning them. The present Conservative-Liberal Democrat Coalition government recently introduced the Fixed-term Parliaments Act 2011.

The Fixed-term Parliaments Act 2011 provides that the next general election will be held on 7 May 2015. Other subsequent polling days of the election are to be the on first Thursday in May on the fifth calendar from the previous general election.<sup>7</sup> Section 2 of the Act provides that a general election can be held earlier if a motion of no-confidence is passed by the House of Commons whereby no appropriate government was formed within

---

<sup>5</sup> Vernon Bogdanor, ‘Our New Constitution’ (2004) 120 LQR 242-243.

<sup>6</sup> James L Huston, ‘The Lost Cause of the North: A Reflection on Lincoln’s Gettysburg Address and the Second Inaugural’ <<http://quod.lib.umich.edu/j/jala/2629860.0033.104/-lost-cause-of-the-north-a-reflection-on-lincolns-gettysburg?rgn=main;view=fulltext>> accessed 11 April 2014.

<sup>7</sup> Fixed-term Parliaments Act 2011, s 1.

14 days after the motion was passed or if two-thirds of the seats in the House have voted to have an early election.<sup>8</sup>

The convention which had previously provided the Prime Minister with the power to decide the date of the next election was overridden by the Act.<sup>9</sup> It was claimed that the new Act will create greater electoral fairness and improve the efficiency of the electoral administration.<sup>10</sup> It had been criticised that leaving the choice of timing to the Prime Minister gave the ruling party an unfair advantage.<sup>11</sup> In previous years, there were no fixed dates specified for the Prime Minister to call for an election.<sup>12</sup> Hence, the government was able to manipulate events and seize any opportunity to gain higher ratings in elections.<sup>13</sup> Furthermore, a lengthy period of uncertainty before the general election affects the politics, government and the economy of the country.<sup>14</sup> The enactment of this Act provides certainty as well as a

---

<sup>8</sup> Fixed Terms Parliament Act 2011  
<<http://www.legislation.gov.uk/ukpga/2011/14/section/1/enacted>> accessed 29 December 2012.

<sup>9</sup> Norton, 'Parliament Act v Fixed-term Parliaments Act'  
<<http://nortonview.wordpress.com/2012/04/13/parliament-act-v-fixed-term-parliaments-act/>> accessed 29 December 2012; Professor Robert Hazel, 'Fixed Term Parliaments' (The Constitution Unit)  
<[http://www.ucl.ac.uk/public-policy/UCL\\_expertise/Constitution\\_Unit/150.pdf](http://www.ucl.ac.uk/public-policy/UCL_expertise/Constitution_Unit/150.pdf)> accessed 29 December 2012.

<sup>10</sup> Professor Robert Hazel, 'Fixed Term Parliaments' (The Constitution Unit)  
<[http://www.ucl.ac.uk/public-policy/UCL\\_expertise/Constitution\\_Unit/150.pdf](http://www.ucl.ac.uk/public-policy/UCL_expertise/Constitution_Unit/150.pdf)> accessed 29 December 2012.

<sup>11</sup> *ibid* (n 3).

<sup>12</sup> *ibid* 12.

<sup>13</sup> *ibid*.

<sup>14</sup> Oonagh Gay and Lucinda Maer, 'Fixed-term Parliaments'  
<[www.parliament.uk/documents/commons/lib/research/briefings/snpc-00831.pdf](http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-00831.pdf)> accessed 29 December 2012.

long term element which allows sufficient planning and time for big reforms to be implemented within the period of five years.<sup>15</sup>

Initially, there were criticisms against fixed-term parliaments. One of which was the lack of flexibility when there was a risk that a government which lacks the full confidence of the House of Commons will remain in Parliament for the whole duration of five years.<sup>16</sup> In short, an unpopular government is incapable of removal. Furthermore, it was still possible for the Prime Minister to force an election by engineering a vote of no-confidence in his own government.<sup>17</sup> This can be illustrated in the 2005 German elections where the German Chancellor had engineered a vote of no-confidence to dissolve Parliament to enable for an early election to be held.<sup>18</sup> However, an early election in the UK can only happen if both major parties mutually agree to it. Whilst this is a possibility, it is however highly unlikely.<sup>19</sup> Additionally, the length of the fixed term was criticised by various academics. Professor Hazell had highlighted that in the past, Parliament had lasted five years because the government had become unpopular and did not want to hold an earlier election.<sup>20</sup> It was also argued that since a coalition government is relatively new in the UK, a coalition government may need more time than a single party, whereby for campaigning purposes, the parties

---

<sup>15</sup> 'Political and Constitutional Reform Committee' *BBC* (London, 6 February 2014) <<http://www.bbc.co.uk/democracylive/house-of-commons-26047876>> accessed 15 February 2014.

<sup>16</sup> Professor Robert Hazel, 'Fixed Term Parliaments' (The Constitution Unit) <[http://www.ucl.ac.uk/public-policy/UCL\\_expertise/Constitution\\_Unit/150.pdf](http://www.ucl.ac.uk/public-policy/UCL_expertise/Constitution_Unit/150.pdf)> accessed 29 December 2012.

<sup>17</sup> *ibid.*

<sup>18</sup> Political and Constitutional Reform Committee, *Fixed-term Parliaments Bill* (HC 436, 2010-11).

<sup>19</sup> Mark Pack, 'Even if the Liberal Democrats Vote to oust the Conservatives before 2015, a new general election is still unlikely' (2012) <<http://blogs.lse.ac.uk/politicsandpolicy/archives/19196>> accessed 16 January 2014.

<sup>20</sup> Professor Robert Hazel, 'Fixed Term Parliaments' (The Constitution Unit) <[http://www.ucl.ac.uk/public-policy/UCL\\_expertise/Constitution\\_Unit/150.pdf](http://www.ucl.ac.uk/public-policy/UCL_expertise/Constitution_Unit/150.pdf)> accessed 29 December 2012.

of the government may need to re-establish themselves as separate entities with separate policies.<sup>21</sup> It must be noted that the drawbacks discussed above are based on hypothetical situations. Should they materialise, the repercussions would be far more damaging.<sup>22</sup> Whether this Act can truly carry out its purpose is a matter that can only be ascertained through time. Although this reform has not entirely overcome the challenges of a completely fair election, it reduces political opportunism and is a first step to preserve democracy in the 21<sup>st</sup> century.<sup>23</sup>

### **Modernisation of the House of Lords**

The House of Lords plays an important role in the legislative process whereby it compensates for the inadequate scrutiny by the House of Commons by further scrutinising public bills.<sup>24</sup> Additionally, it is one of the main checks and balances against government transgressions, as it acts as a constitutional watchdog and provides a forum for the examination of matters of public interest.<sup>25</sup>

The controversy surrounding the House of Lords is the fact that it is not elected<sup>26</sup> and is viewed as a threat to democracy. However this issue was first addressed through the House of Lords Act 1999 which removed all but 92 hereditary peers from the House of Lords as the first phase of a wider

---

<sup>21</sup> Political and Constitutional Reform Committee, *Fixed-term Parliaments Bill* (HC 436, 2010-11).

<sup>22</sup> Minister for Political and Constitutional Reform, 'Government response to the report of the House of Lords Constitution Committee on the Fixed-term Parliaments Bill (Cm 8011, 2011).

<sup>23</sup> *ibid* 21.

<sup>24</sup> Barnett (n 1) 324.

<sup>25</sup> J Jowell and Dawn Oliver, *The Changing Constitution* (6th edn, OUP 2007) 161.

<sup>26</sup> *ibid*.

reform of the Lords.<sup>27</sup> In addition, the Law Lords were removed from the Upper House and are now the Justices of the Supreme Court under the provisions of the Constitutional Reform Act 2005.<sup>28</sup> The Parliament Act 1911 also further reduced the delaying powers of the House of Lords by providing that the Upper House can only delay non-monetary bills by a year and money bills by a month.<sup>29</sup>

The removal of hereditary peers by virtue of the House of Lords Act 1999 was intended to prevent domination of the House of Lords by one major party (Conservative or Labour).<sup>30</sup> However, since most of the Lords have no political future to safeguard, they are less vulnerable to threats or promises made by political parties and are less likely to submit to party pressure.<sup>31</sup> The removal of these peers who do not represent any political parties arguably defeats this positive attribute of the House of Lords which ironically, arises from the fact that the House of Lords is unelected.

In 2013, the House of Lords became the second largest chamber in the world.<sup>32</sup> This is because the appointment of the Lords to the Upper Chamber was disproportionate to the removal of the Lords from the Upper Chamber. Consequently, more tax payers' money would be utilised for the peers' "attendance allowance".<sup>33</sup> A House of Lords Reform (No 2) Bill

---

<sup>27</sup> Bogdanor, 'Our New Constitution' (n 5) 242.

<sup>28</sup> Helen Fenwick and Gavin Phillipson, *Constitutional & administrative Law* (7th edition, Routledge 2011-2012) 97.

<sup>29</sup> Parliament Act 1911, s 2 (1).

<sup>30</sup> Fenwick and Phillipson (n 28) 97.

<sup>31</sup> *ibid.*

<sup>32</sup> Katie Ghose, 'Crowded House- why we have too many lords' *The Guardian* (London, 1 August 2013) <<http://www.theguardian.com/commentisfree/2013/aug/01/crowded-house-too-many-lords>> accessed 28 January 2014.

<sup>33</sup> Unlock Democracy, *Unlock Democracy's submission to the Political and Constitutional Reform Select Committee inquiry House of Lords Reform: what next?* <[http://unlockdemocracy.org.uk/page/-/publications/130326\\_PCRC\\_Lords\\_FINAL.doc](http://unlockdemocracy.org.uk/page/-/publications/130326_PCRC_Lords_FINAL.doc)> accessed 12 February 2014.

2013-2014 was presented to Parliament to make provision for the retirement and expulsion of members from the House of Lords in certain circumstances. The Bill suggested that non-attendance may lead to expulsion of peers and thus seeks to promote the efficiency of the House. As of 15 January 2014, the Bill has completed its committee stage.<sup>34</sup>

Appointments to the House of Lords are currently controlled by the Prime Minister where there are no definite guidelines on how members are to be appointed. This leaves much discretion to the Prime Minister to select the peers.<sup>35</sup> Furthermore, it is possible for party leaders to elevate generous party donors, campaigners and party members to be peers as a “reward”.<sup>36</sup> Lord Oakeshott, a Liberal Democrat peer, criticised the appointment of new peers by expressing that ‘cash-for-peerages pollutes Parliament and all political parties who collude in this corruption.’<sup>37</sup> He advocates that the House of Lords should be elected and that a large amount of money should be taken out of politics.<sup>38</sup> Examples of appointed donors include Sir Anthony Bamford, chairman of JCB (JC Bamford Excavators Ltd) and Howard Leigh a property businessman. Both were big Tory supporters, both had contributed

---

<sup>34</sup> House of Lords Reform (No 2) Bill 2013-2014 (legislation) <<http://services.parliament.uk/bills/2013-14/houseoflordsreformno2.html>> accessed 22 February 2014.

<sup>35</sup> Meg Ryan, ‘Time to get a grip on Lords Appointment’ *The Constitution Unit* (April 2011) <<http://www.ucl.ac.uk/constitution-unit/publications/tabs/unit-publications/152.pdf>> accessed 10 January 2014.

<sup>36</sup> Patrick Wintour, ‘Unreformed House of Lords getting larger all the time’ *The Guardian* (London, 1 August 2013) <<http://www.theguardian.com/politics/2013/aug/01/unreformed-house-of-lords-larger>> accessed 9 October 2013.

<sup>37</sup> ‘JCB boss Sir Anthony Bamford becomes a peer’ *South West Business* (Gloucester, 5 August 2013) <<http://www.southwestbusiness.co.uk/news/05082013093011-jcb-boss-sir-anthony-bamford-becomes-a-peer/>> accessed 9 October 2013.

<sup>38</sup> Patrick Wintour, ‘House of Lords swells with addition of would-be-mayors and party donors’ *The Guardian* (London, 1 August 2013) <<http://www.theguardian.com/politics/2013/aug/01/house-of-lords-new-peerages>> accessed 9 October 2013.

large funds to the political party and both were elevated to the House of Lords.<sup>39</sup> This had attracted criticisms and further illustrated that the existing Acts enacted were insufficient to overcome the drawbacks faced in relation to membership of the House of Lords.

Since a fully appointed House of Lords would lack legitimacy and a fully elected House may not deliver the necessary diversity and expertise of non-political members, an alternative to consider would be a hybrid House.<sup>40</sup> The Wakeham Commission<sup>41</sup> proposed a hybrid House of Lords where membership will consist of both elected and appointed members. A hybrid House of Lords would have the strengths of both an elected and appointed House, whereby it will be capable of being held accountable and at the same time, be unable to challenge the primacy of the House of Commons.<sup>42</sup>

A radical approach should be taken to reform the House of Lords whereby the adoption of a hybrid House would have the benefits of both an elected and an appointed House and thus, promote democracy.

### **Constitutional Reform Act 2005 – A Move towards Greater Judicial Independence**

Following the enactment of the Constitutional Reform Act 2005 (hereinafter referred to as “CRA 2005”), the Lord Chancellor’s role is redefined to

---

<sup>39</sup> Mona Chalabi, ‘Revealed: £1.5m donations from new appointments in House of Lords’ *The Guardian* (London, 1 August 2013) <<http://www.theguardian.com/news/datablog/2013/aug/01/donations-new-appointments-house-of-lords-peers>> accessed 10 October 2013.

<sup>40</sup> House of Commons, *House of Lords: Reform* (Cm 7027, 2007).

<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.*



preserve judicial independence.<sup>43</sup> The Lord Chancellor no longer sits as a judge nor is he the Head of the Judiciary.<sup>44</sup> Besides that, the formation of the Judicial Appointments Commission (hereinafter referred to as “JCA”) limits the Lord Chancellor’s political and executive functions.<sup>45</sup> The Law Lords were also removed as members of the Upper House of Parliament (as discussed above). This section will deal with, firstly, the role of the Lord Chancellor; secondly, the removal of the Law Lords; and finally, the establishment of the JAC.

a. Role of the Lord Chancellor

The CRA 2005 makes it possible for Lord Chancellors to be elected politicians and to be accountable to the House of Commons instead of the House of Lords.<sup>46</sup> Furthermore, as the Act provides, the position of the Lord Chancellor need not be held by a member of the legal profession,<sup>47</sup> and it is therefore arguable that it no longer holds leanings or loyalties to the Judiciary. The consequence of this is that there would be nothing to distinguish the Lord Chancellor from other ministers as a uniquely appropriate minister to be responsible for judicial independence.<sup>48</sup>

As a result of this, it is now possible for the Lord Chancellor to be a non-lawyer or politician who is appointed for political reasons instead of his professional legal experience and reputation.<sup>49</sup> In this regard, a Lord

---

<sup>43</sup> Diana Woodhouse, ‘United Kingdom: The Constitutional Reform Act 2005 - Defending Judicial Independence the English way’ (2007) 5 Int J Constitutional Law 153.

<sup>44</sup> Khawar Qureshi, ‘Changing an age-old relationship’ (2006) 156 NLJ 1586.

<sup>45</sup> Woodhouse (n 43) 153.

<sup>46</sup> *ibid.*

<sup>47</sup> Barnett (n 1) 73.

<sup>48</sup> Woodhouse (n 43) 153.

<sup>49</sup> *ibid.*

Chancellor will be placed in a difficult position to put the interests of judicial independence above the party's interests.<sup>50</sup>

Other than that, the vagueness of the CRA 2005 means that the duty of the Lord Chancellor will depend on subjective factors similar to those before the Act was enacted such as shared values and commonality of purpose to promote the efficacy of the Lord Chancellor.<sup>51</sup> This does not provide clarity for the relationship between the maintenance of judicial independence and the traditional role of the Lord Chancellor which has heavily relied on conventions and traditional understandings.<sup>52</sup>

At first glance, the reform of the role of the Lord Chancellor may seem to be effective in upholding judicial independence. However it must be noted that there is a risk that it may end up as a redundant reform due to the ambiguity in the provisions of the Act. Instead, a more proactive and transparent Supreme Court that is accountable is more likely to be a better reform than the reform of the position of the Lord Chancellor.<sup>53</sup>

b. Removal of the Law Lords from the Upper Chamber

The Law Lords became Justices of the Supreme Court in 2009 following the enactment of the CRA 2005.<sup>54</sup> This indirectly promotes public confidence in the Judiciary as public confidence would be eroded if the judges were thought to be influenced by political agendas.<sup>55</sup> Article 6.1

---

<sup>50</sup> Qureshi (n 44) 1586; Woodhouse (n 43) 153.

<sup>51</sup> Woodhouse (n 43) 153.

<sup>52</sup> *ibid.*

<sup>53</sup> *ibid.*

<sup>54</sup> 'House of Lords Reform' (politics.co.uk) <<http://www.politics.co.uk/reference/house-of-lords-reform>> accessed 11 October 2013.

<sup>55</sup> Anthony Mason, 'Envoi to the House of Lords-a View from Afar' (2009) 125 LQR 585.

European Convention on Human Rights (ECHR) emphasises on the requirement for an independent and impartial tribunal for a fair trial.<sup>56</sup> Sir Anthony Mason however raised the point where ‘independence is not a guarantee of impartiality; nor does lack of independence necessarily lead to partiality.’<sup>57</sup> A paradox situation is created in the circumstances where the Judiciary is deemed to be impartial if it is involved in politics even though such experience in politics may provide insights and knowledge which promotes impartiality. He elaborated that where in this paradox case, experiences in politics and government may provide a useful understanding which promotes greater independence and impartiality.<sup>58</sup> Hence, removing the Law Lords from the Upper House can present certain drawbacks.

c. The Judicial Appointments Commission (JAC)

The JAC is an independent commission responsible for selecting candidates for judicial appointment.<sup>59</sup> Judicial independence is promoted here as the Lord Chancellor no longer selects candidates for judicial appointment and the selecting process is made fair where only merit of the candidates is considered. The Lord Chancellor may only reject a candidate once.<sup>60</sup> Once rejected, the JAC must choose a different candidate.<sup>61</sup> It is noted that even though the Lord Chancellor has the power to decide whom to appoint and therefore is accountable to Parliament, his discretion is restricted

---

<sup>56</sup> *ibid* 586.

<sup>57</sup> *ibid* 590.

<sup>58</sup> *ibid* 594.

<sup>59</sup> Judicial Appointments Commission, *About the JAC* <<http://jac.judiciary.gov.uk/about-jac/about-jac.htm>> accessed 10 February 2014.

<sup>60</sup> Constitutional Reform Act 2005, s 73; Mark Ryan and Steve Foster, *Unlocking Constitutional and Administrative Law* (2nd edn, Routledge 2010).

<sup>61</sup> Constitutional Reform Act 2005, s 75 (2).

by the Act.<sup>62</sup> However, the current system has been criticised as “not fit for purpose” where the redefinition of the concept of “merit” needs to be undertaken in order to achieve diversity. It had been proposed that a panel consisting of 3 senior judges, 3 parliamentary members and 3 lay people should make decisions in relation to senior judicial appointments.<sup>63</sup> This would not only maintain judicial involvement but also promote democratic legitimacy.<sup>64</sup>

### **Devolution of Powers to Northern Ireland, Scotland and Wales**

Devolution refers to the ‘transfer and subsequent sharing of powers between institutions of government within a limited framework set out in legislation.’<sup>65</sup>

Devolution increases efficiency to cater to the unique political, economic and social conditions in Wales, Scotland and Northern Ireland. The devolution of powers, to the Scottish Parliament and the assemblies in Wales and Northern Ireland, has removed both legal and political power from London and created new bodies in those parts of the UK, operating under law-based, written constitutions.<sup>66</sup> The Northern Ireland Act 1998, the Government of Wales Act 1998 and the Scotland Act 1998 allow for each state to be represented by assemblies. Scotland on the other hand, has a Parliament with legislative powers. The National Assembly of Wales enjoys powers only over secondary legislation whereas Northern Ireland has an

---

<sup>62</sup> Constitutional Reform Act 2005, s 75(3).

<sup>63</sup> *ibid.*

<sup>64</sup> *ibid.*

<sup>65</sup> Stephen Young ‘Devolution in the UK: A Revolution’  
<<http://www.llrx.com/features/devolution.htm>> accessed 29 December 2012.

<sup>66</sup> J Jowell and Dawn Oliver (n 25) 162.

Assembly with legislative powers which operates in a “consociational rather than a majoritarian fashion”.<sup>67</sup> Although it was claimed that devolution had introduced a federal spirit into the British Constitution, there is a clear difference between federalism and devolution. As Bogdanor puts it - ‘one divides sovereignty and the other merely delegates it’.<sup>68</sup>

One of the argued consequences of devolution was that Parliament has eroded its supremacy.<sup>69</sup> However, the House of Commons had adopted a convention that it would not legislate for areas which had been transferred to Northern Ireland against the wishes of the Government of Northern Ireland.<sup>70</sup>

Another reason against devolution is that it will be the start of the break-up of the United Kingdom.<sup>71</sup> In contrast to Northern Ireland, Scotland has a history of statehood and national tradition where the Scottish Nationalists had sought devolution to prepare the ground for secession.<sup>72</sup> This concern is proving itself to be true with the possible independence of Scotland.<sup>73</sup> A referendum on whether Scotland should be independent will be held on September 2014.<sup>74</sup> The uncertainty over the outcome of this referendum has affected various investments.<sup>75</sup> Meanwhile, Northern Ireland

---

<sup>67</sup> Bogdanor (n 5) 250.

<sup>68</sup> *ibid* 251.

<sup>69</sup> *ibid* 254.

<sup>70</sup> *ibid* 252.

<sup>71</sup> *ibid* 260.

<sup>72</sup> *ibid* 253.

<sup>73</sup> Scott MacNab, ‘Scottish Independence: SNP brushes off talk of 2014 ‘neverendum’ <<http://www.scotsman.com/news/politics/top-stories/scottish-independence-snp-brushes-off-talk-of-2014-neverendum-1-2705476>> *The Scotsman* (Edinburgh, 24 December 2012) accessed 28 December 2012.

<sup>74</sup> Andrew Critchlow, ‘Scottish Independence Vote a risk to North Sea Investment’ *The Telegraph* (London, 27 January 2014) <<http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/10599213/Scottish-independence-vote-a-risk-to-North-Sea-investment.html>> accessed 10 February 2014.

<sup>75</sup> *ibid*.

is seeking to receive more powers especially in the area of tax in the hope that it will bring further economic advantage.<sup>76</sup>

The Government of Wales Act 2006 was introduced to allow further powers to be granted to the Welsh Assembly.<sup>77</sup> The Silk Commission had suggested for the devolution of fiscal powers to the Welsh Assembly Government.<sup>78</sup> In November 2013, 30 of the 31 recommendations made by the Commission have been accepted in full or in part by the Government.<sup>79</sup> The effect of this will be that Wales will receive similar powers which Scotland has had since 1998.<sup>80</sup> This may gradually lead to Welsh independence. Although polls showed that Wales is not ready to be independent, that however, does not mean it would not be ready in future.<sup>81</sup>

The challenge of dealing with matters that are unique to Northern Ireland, Scotland and Wales is overcome by the introduction of devolution. However, it is noted that England does not have its own Assembly to represent its own matters. Furthermore, the fact that these three component parts of the UK are seeking to increase their powers suggest that the powers devolved to each state assemblies are insufficient to this day.

---

<sup>76</sup> Northern Ireland Assembly 12 November 2013, vol 89 (4).

<sup>77</sup> Government of Wales Act 2006 <<http://www.legislation.gov.uk/ukpga/2006/32>> accessed 29 December 2012.

<sup>78</sup> HM Treasury and Wales Office 'Government announces a new package of financial powers to help Wales compete in the global race' <<https://www.gov.uk/government/news/new-financial-powers-for-wales>> accessed 20 January 2014; Commission on Devolution in Wales, *Empowerment and Responsibility: Financial Powers to Strengthen Wales* (November 2012).

<sup>79</sup> *ibid.*

<sup>80</sup> 'Welsh devolution: The reluctant dragon' *The Economist* (London, 24 November 2012) <<http://www.economist.com/news/britain/2156075-scotland-wales-growing-more-independent-westminster-unlike-scotland-it-isnt-too>> accessed 29 December 2012.

<sup>81</sup> *ibid* 51.

## **Conclusion**

The purpose of these reforms is to promote democracy. The Fixed-term Parliaments Act 2011 ensures that the country's leaders are elected through free and fair elections. The House of Lords reforms aim to reduce the number of unelected peers who would have played a significant role in the passing of legislations which govern the people. Furthermore, the Constitutional Reform Act 2005 promotes judicial independence which safeguards the freedom and rights of the people under the Rule of Law. In addition to that, delegation of powers in devolution engages people in Scotland, Northern Ireland and Wales in decision-making.

Although each of these reforms have their own drawbacks, the very fact that the Government had initiated the first step to enhance the development of democracy, is seen as a stepping stone towards a system of government which is based on the will of the people.