



Chapter 8 – Holding the Government to account

8.1 One of Parliament's prime functions is to hold the Government to account. The more effectively this is done, the better for everyone. More accountable Government is better Government.

8.2 The House of Commons directly reflects the political views of the electorate and can sustain a Government in office or withdraw its confidence and force a change of Government. It is right that it should play the primary role in holding the Government to account. Our ambition for the reformed second chamber is that it should enhance the overall ability of Parliament as a whole to hold the Government to account. It should do this by using its particular strengths to develop arrangements which complement and reinforce those of the House of Commons. The achievement of that objective will require the reformed second chamber to have characteristics distinct from those of the House of Commons, a point to which we return in Chapter 10.

8.3 Chapter 4 discussed the role the reformed second chamber should play in scrutinising proposed primary legislation. Chapter 5 considered its role in protecting the constitution and scrutinising Government initiatives for compliance with relevant human rights standards. Chapter 7 examined the part the second chamber should perform in scrutinising the exercise of delegated powers. In this chapter we consider four other ways the second chamber should contribute to the task of holding the Government to account:

- scrutinising Ministers;
- scrutinising European Union business;
- general debate and specialist investigation; and
- scrutinising the exercise of prerogative powers.

Scrutinising Ministers

8.4 Perhaps the most direct way in which the Government can be held to account by Parliament is through the questioning of Ministers. The ability of the House of Lords to do this directly has declined over the past century as the majority of senior Ministers have come to sit in the Commons.¹ A number of submissions recommended that this trend should be drawn to its logical conclusion and that the practice of appointing Ministers from the second chamber should be discontinued. It was argued that this would deter the politically ambitious from seeking to become members of the second chamber purely for the purpose of achieving a Ministerial appointment. It might also allow the chamber to concentrate more effectively on its role of scrutinising the actions of the executive, in the absence of political pressure to support or oppose Government Ministers.

¹ The last Prime Minister to sit in the Lords was the third Marquess of Salisbury (1895–1902). Since 1964 only two peers by succession (Lord Carrington and Lord Gowrie), one hereditary peer of first creation (Lord Pakenham) and four life peers (Lord Shackleton, Lord Young of Graffham, Lord Cockfield and Lord Robertson of Port Ellen) have held Cabinet posts other than as Lord Chancellor or Leader of the House of Lords.

8.5 On the other hand, the ability of the second chamber to hold the Government to account would be significantly reduced if members were not able to present their case direct to Ministers. It has been argued that the limited practical influence of the Canadian Senate and Irish Seanad is underlined and perpetuated by the minimal Ministerial presence in those chambers. Ministerial accountability to the second chamber could, in theory, be provided by Ministers based in the Commons taking part in the second chamber's debates, as is the case in many other parliaments. We do not support this idea. For Ministers to be able to take full account of the views of the second chamber and to respond effectively to its concerns, they must have a full understanding of the ambience, conventions and style of that chamber. These characteristics are likely to continue to be significantly different from those of the Commons.



8.6 It is desirable that ongoing or protracted business (such as proceedings on particular Bills or the consideration of long-running issues) should be handled by Ministers who have a long-term relationship with the second chamber. Such a relationship would most conveniently derive from their being members of it. Ministerial membership of the second chamber would also maximise the opportunity for informal contact between Ministers and members. This can usefully supplement formal exchanges within the chamber. The continuous presence of Ministers who are directly accountable to the second chamber for important areas of Government responsibility is likely to encourage a higher quality of debate and scrutiny. Finally, having Ministers based in the second chamber has the effect of extending the 'pool' of people from among whom the Prime Minister of the day can select the Government. It thus retains the possibility that Ministers can be appointed from outside the ranks of professional politicians. It should therefore continue to be possible for Ministers to be drawn from and to be directly accountable to the second chamber. To what extent this is realised is clearly a matter for the Prime Minister of the day but we believe it would be desirable if the second chamber were to continue to furnish several Ministers of State and at least two members of the Cabinet.

Recommendation 44: It should continue to be possible for Ministers to be drawn from and be directly accountable to the second chamber.

8.7 The leading role in the scrutiny of the Government should clearly continue to lie with the Commons, where most Cabinet Ministers sit. However, one weakness of the present arrangements is that the wider perspectives and relevant expertise of members of the House of Lords cannot be brought to bear directly and regularly on those senior members of the Government with the lead responsibility for most major areas of public policy. It would enhance overall Parliamentary scrutiny of the executive if Ministerial accountability to the second chamber could be strengthened.

Recommendation 45: A mechanism should be developed which would require Commons Ministers to make statements to and deal with questions from members of the second chamber.

8.8 In making this proposal we would not wish to undermine the relationship between second chamber Ministers and other members. Nor do we believe it would be necessary to alter the long-standing Westminster convention that members of one chamber do not speak in the other. We want to maintain the principle that the role of the second chamber should be to complement, and not duplicate, the work of the House of Commons. The precise arrangements should be for the reformed second chamber itself to determine in consultation with the Government. One possibility would be for a Committee of the whole second chamber to meet regularly off the floor of the chamber to hear a statement from, and then question, a Commons Minister. The event should promote the exchange of views in a constructive atmosphere. To ensure topicality, there might be no fixed rota of Ministers nor advance notice of questions. The second chamber might invite Ministers responsible for current issues to appear before the Committee at a few days' notice, and give them the opportunity to explain their position. We would not expect such an arrangement to be used for the political equivalent of 'ambulance chasing'. Instead, we envisage that it would explore issues of longer-term or underlying significance.

Scrutinising European Union business

8.9 There is a vital role for Parliament in scrutinising European Union (EU) business. The reformed second chamber should build on the high quality work done by the present House of Lords. A new relationship might develop between United Kingdom Members of the European Parliament (MEPs) and the reformed second chamber. Both points are within our terms of reference which invite us to "take particular account of... developing relations with the European Union". We consider these issues in this chapter because the chief mechanism by which EU national parliaments can scrutinise and control developments in the EU is to bring national Ministers to account for the decisions to which they contribute in the Council of Ministers.

8.10 Recent developments have underlined the growing significance of the Council of Ministers among the EU institutions, and underlined the importance of the role of national parliaments in holding the Council of Ministers to account. Meetings of the Council, particularly at head of government level, are now far more significant events in the European political and institutional calendar than was originally envisaged. That trend has been accelerated by the formal incorporation of the Second and Third Pillars of the European Union,² which are the exclusive responsibility of the Council of Ministers. The extension of 'co-decision' in other areas has still left the Council of Ministers with a very considerable say over most EU directives. Neither the Council as a whole nor individual national Ministers are accountable to the European Parliament. The only way for European national parliaments to assert an influence on the Council of Ministers is through their own national Ministers.

8.11 The importance of this was acknowledged in the Maastricht Treaty, which proposed closer contacts between the European Parliament and national parliaments. The Governments of the Member States committed themselves to ensure "that national parliaments receive Commission proposals for legislation in good time for information or possible examination". The 1997 Treaty of Amsterdam included a protocol on the role of national parliaments in the EU, which laid down that all Commission consultation

² Common Foreign and Security Policy and Co-operation on Justice and Home Affairs.

documents and proposals for legislation should be made available to national parliaments in good time and that a six-week period should elapse between a proposal being made and its appearance on the agenda of the Council of Ministers.

Current scrutiny arrangements

8.12 The United Kingdom Parliament already has one of the most highly developed systems in the EU for considering proposed European legislation and other proposals and for ensuring that Ministers are aware of the balance of opinion within Parliament before they commit the United Kingdom to any significant new position. The systems currently in place³ provide a good example of the two Houses taking complementary and mutually reinforcing approaches.

8.13 The House of Commons' European Scrutiny Committee provides a mechanism for rapidly sifting *all* proposals under consideration in the Council of Ministers (some 400 per year), including business under the two inter-governmental Pillars of the European Union. The Committee seeks further information from the relevant Department, flags up proposals of particular significance or political relevance and recommends those which should be subject to debate or consideration in one of the European Standing Committees. Those Standing Committees question the relevant Minister about the background and the Government's approach before debating the issues. The European Scrutiny Committee may also seek opinions from Departmentally-related Select Committees within specified timescales and hold joint meetings to help establish a common position. The scrutiny arrangements also allow a regular dialogue with Departments over the business coming before the Council of Ministers. This includes the option of calling Ministers and/or officials to give evidence to the Committee before and after Council meetings.⁴

8.14 The House of Lords' European Union Committee⁵ identifies 30 or 40 items of EU business each year for in-depth study and analysis by one of its six sub-committees. These sub-committees between them draw on the services of some 70 members of the House of Lords, many with long experience of the issues concerned. The proposals considered by these sub-committees will typically raise major issues of principle or policy. Their reports are widely regarded, throughout Europe, as being of extremely high quality⁶ and are capable of having a significant influence on policy development.

8.15 These scrutiny arrangements are supplemented by the European Scrutiny Reserve, a requirement imposed by a House of Commons resolution that (other than in exceptional circumstances) Ministers should not enter into any new commitments in the Council of Ministers until the Commons scrutiny process in relation to the proposal concerned has been completed. A virtually identical resolution now applies to the House of Lords' scrutiny process, replacing a previous informal understanding to the same effect.

³ Helpfully described in *The European Scrutiny System in the House of Commons*. House of Commons. November 1998.

⁴ The Committee's remit was expanded in November 1998 when the House of Commons approved the principal recommendations of the Modernisation Committee's report, *The Scrutiny of European Business*, June 1998.

⁵ A number of changes to procedure, including a formal scrutiny reserve, and a change in the name from the European Communities Committee to the European Union Committee, recommended in the Fifth Report of the House of Lords' Select Committee on Procedure (November 1999. HL116), were adopted on 10 November 1999.

⁶ Comments to this effect have been made by the Institute of European Environmental Policy, The Law Society, The British Bankers' Association and the Confederation of British Industry. Select Committee on the Committee Work of the House. Session 1991/92. February 1992. HL35.

8.16 The combination of rapid assessment of all proposals by the Commons and in-depth analysis of a few particularly significant ones by the Lords has considerable value. It minimises the risk of overlap between the work of the two Houses and plays to their respective strengths. The system works well and should be maintained. The reformed second chamber should, if possible, maintain the contribution currently made by the House of Lords' European Union Committee. That work should also be properly resourced. We return to the general issue of resourcing in Chapter 17, and the question of how resources should be distributed must ultimately be a matter for the second chamber itself. Our assessment, however, is that the excellent work of the European Union Committee could be further developed. We recommend that the reformed second chamber should consider making additional staff and other resources available to the European Union Committee.

Recommendation 46: The current complementary system of scrutiny of European Union business by the two Houses of Parliament should be maintained and improved.

Recommendation 47: The reformed second chamber should consider making additional staff and other resources available to the European Union Committee.

MEPs and the second chamber

8.17 One of the questions we have had to consider is whether the second chamber's contribution to the scrutiny of European Union business would be strengthened by developing formal links with the United Kingdom MEPs. We have also attempted to assess what other advantages might be gained from such links. The White Paper, *Modernising Parliament: Reforming the House of Lords*, makes the point that "MEPs in the future will be elected on a regional basis, so a role for them in relation to the second chamber would therefore reinforce its regional links as well as improving links between Westminster and Strasbourg". It also makes the point that "a specific role for MEPs in the second chamber might yield particular benefits, so that each Chamber could take advantage of the particular expertise of members of the other, and thereby maximising the effectiveness of the United Kingdom's input".

8.18 The case might also be made (although no one put it to us in quite these terms) that by giving membership of the second chamber to some United Kingdom MEPs, who have themselves been elected, the second chamber would gain a degree of indirect electoral authority. There was little positive support for this proposal and what there was tended to rely on the practical advantages. As Graham Mather MEP put it in his written evidence, "MEPs could provide the Chamber with a highly focused and attuned set of eyes and ears in the European institutions". He drew attention to the fact that "MEPs frequently, and especially under co-decision, will have an inside track and appreciation of useful options and approaches which would be difficult to find elsewhere".

8.19 As we argued in Chapter 6, we see difficulties of principle with indirect election. MEPs are elected with a specific mandate to represent the United Kingdom in the European Parliament. For MEPs to serve as members of the second chamber would require a significant change in the basis on which they were elected and give rise to a lack of clarity about their accountability to the electorate for their actions. MEPs who were members of the second chamber would be in an unusual position: they would be

expected to engage in a double layer of scrutiny. There would also be some risk that any MEPs selected by their fellows to be members of the second chamber would see themselves as delegates, rather than as independent-minded members. A selection procedure would also need to be created, which might not be straightforward. In any event, we would be concerned about giving seats in the United Kingdom Parliament to people who had chosen to stand as MEPs and who might have wider political ambitions, including ambitions for the House of Commons. Finally, there could be a difficulty over length of tenure. We discuss the general point in Chapter 11, but in principle we believe the reformed second chamber will be more cohesive if all its members serve for the same length of time, and MEPs would only be able to serve during their term of office.

8.20 There are also practical obstacles to MEPs serving in the second chamber. Membership of the European Parliament is a demanding full-time job, involving heavy travel commitments. It leaves little time for additional activities. Those members of Parliament who have secured such a dual mandate in the past have struggled to fulfil both posts adequately. We therefore agree with those who argued that membership of the second chamber would be too onerous a task to combine with the increasingly exacting task of being an MEP. We note that the European Parliament is itself opposed to the idea that any of its members should have a dual mandate. For our part, we have no objection in principle to individuals seeking a dual mandate, but it would be wrong to make it a requirement. The workload pressures on MEPs would also count against the alternative suggestion that some United Kingdom MEPs might be co-opted to serve as members of the European Union Committee. We see little additional benefit in MEPs becoming members of committees without also becoming members of the second chamber. For all these reasons, we do not think that anyone should become a member of the second chamber by virtue of being a United Kingdom MEP.



Recommendation 48: No one should become a member of the second chamber by virtue of being a United Kingdom MEP.

8.21 While we see no formal role for United Kingdom MEPs in the second chamber, the absence of such a role should not prevent closer links being established between them and the second chamber. MEPs could, for example, be invited more frequently to give evidence to the European Union Committee. More generally, we gained a sense that MEPs did not feel welcome at Westminster. If true, this is in our view unfortunate and represents a missed opportunity to develop and maintain a coherent and consistent set of policies on EU issues *and* maximise the United Kingdom's impact on the institutions of the EU. We recommend that the reformed second chamber should consider what steps it could take to make United Kingdom MEPs feel more welcome and provide greater opportunities for them to contribute to the development of Parliament's understanding of and approach to EU issues.

Recommendation 49: The reformed second chamber should consider what steps it could take to make United Kingdom MEPs feel more welcome at Westminster. It should also consider how it might provide greater opportunities for United Kingdom MEPs to contribute to the development of Parliament's understanding of and approach to EU issues.

8.22 The present scrutiny arrangements regarding EU business could be reinforced by taking advantage of the arrangements we propose for inviting Commons Ministers to make statements to and take questions from a second chamber committee. Regardless of whatever arrangements may be made in the House of Commons, it should become regular practice for Commons Ministers to appear before the proposed Committee prior to and/or on their return from meetings of the Council. This practice would supplement the pre- and post-Council scrutiny arrangements already operated by the Commons European Scrutiny Committee.

Other proposals

8.23 We agree that the Parliamentary scrutiny of European Union proposals should embrace a careful assessment of the extent to which they comply with the principle of subsidiarity. Although the House of Commons European Scrutiny Committee is best placed to take the lead, we would encourage the European Union Committee to co-operate fully in this task.

Recommendation 50: The House of Commons European Scrutiny Committee is best placed to assess the extent to which European Union proposals comply with the principle of subsidiarity, but the European Union Committee should co-operate fully in that task.

8.24 The second chamber's interest in EU matters could be given wider expression through the institution of a regular opportunity for dealing with Questions for Oral Answer on EU matters. While this would be a departure from the traditions of the House of Lords under which any member can raise any issue on any day, we believe it would reinforce the effectiveness of the chamber's interest in EU matters and provide a forum in which the detailed knowledge built up by members of the European Union Committee could be brought to bear.

Recommendation 51: The reformed second chamber should set aside a regular time for dealing with Questions for Oral Answer on EU matters.

8.25 We do not support the idea that there should be joint European Sub-committees, possibly structured on Departmental lines and with members drawn from both Houses. Such an arrangement would run counter to the essentially complementary approaches currently taken by the two Houses which we believe should continue. The existing informal arrangements for liaison between the committee structures in the two Houses seem to work well: overlaps are avoided and each House can benefit from the views of the other.

8.26 We support the suggestion that the second chamber should continue to play its part in developing inter-parliamentary contact and co-operation within the EU, with both the European Parliament and the other national parliaments of Member States. The regular meetings of Speakers and Presidents, six-monthly gatherings of the Conference of European Affairs Committees (COSAC)⁷ and the other contacts which take place between various committees and *rapporteurs* all help to enhance Parliament's understanding of EU matters and to advance the United Kingdom's interests in Europe.

Recommendation 52: The second chamber should continue to play its part in developing inter-parliamentary contact and co-operation within the EU, both with the European Parliament and with the national parliaments of EU Member States.

General debate and specialist investigation

8.27 One of the most important roles of the House of Lords is that it provides a forum for the general debate of major public issues “in an atmosphere less pressurised than the House of Commons by party political issues”.⁸ Several submissions noted that the quality of debate in the House of Lords is often high and that the able and distinguished members from diverse backgrounds who contribute to this work play a significant role in maintaining the effectiveness of the chamber's role in holding Government to account. Others commented that the less ‘party political’ nature of the present House of Lords produces an environment which encourages rational analysis and objectivity. A vital factor in this approach to debate is the presence of the Cross Benchers, since the political parties need to gain their support to win a vote. There was unanimous support among those submitting evidence for the reformed second chamber to continue to provide a distinctive forum for national debate.

Recommendation 53: The reformed second chamber should continue to provide a distinctive forum for national debate.

8.28 An increasing aspect of the House of Lords' work in recent years has been specialist investigations by Committees such as the Science and Technology Select Committee. Recent inquiries have considered the management of nuclear waste⁹ and the scientific and medical evidence concerning cannabis.¹⁰ The resulting reports are highly regarded and add considerable authority to Parliament at home and abroad. The quality of reports is due to a considerable extent to the expertise available to the House of Lords when Committee members are selected. For example, current members of the Science and Technology Committee include a gynaecologist, a civil engineer, a chemist and a biophysicist.



⁷ Conférence des Organes Spécialisés dans les Affaires Communautaires et Européennes de l'Union Européenne.

⁸ *Modernising Parliament*. Cm 4183, Chapter 7, paragraph 14.

⁹ Management of Nuclear Waste. Session 1998/99. Third Report. March 1999. HL41.

¹⁰ Cannabis: The Scientific and Medical Evidence. Session 1997/98. Ninth Report. November 1998. HL151.

8.29 Specialist committee work of this nature adds significantly to the overall ability of Parliament to contribute to the development of public opinion on major issues. It should continue to be an important function of the reformed second chamber. In Chapter 10 we argue that membership of the second chamber should continue to be, for many, a part-time occupation. This will ensure that Committees can call on members with a range of current expertise. In determining which subjects should be investigated, priority should be given to those which complement the scrutiny undertaken by the Departmental Select Committees in the Commons and those which cross Departmental boundaries and might otherwise be overlooked by Parliament. In particular, the second chamber's atmosphere should enable it to deal with politically highly charged issues which the House of Commons may find difficult to tackle objectively.

Recommendation 54: Specialist committee work should continue to be an important function of the reformed second chamber.

Scrutinising the exercise of prerogative powers

8.30 A consequence of the continuity in British political and legal structures is that the Crown still retains significant powers under common law, which are not subject to direct Parliamentary control. In practice, these 'prerogative powers' are now exercised by Ministers and their officials.

8.31 The executive action authorised by the Royal Prerogative at common law includes some of the most basic and important tasks of Government, including the power to declare war, conduct international relations and appoint people to public office. Reliance on the 'prerogative powers' allows the Government to respond rapidly in fast-moving situations and take decisive action when required. The controversial feature of these powers is that the Government may use them to adopt major policies and decisions without the need for any formal approval by either House of Parliament. For example, the significant restructuring of the civil service through the Next Steps programme, which led to the establishment of over 140 Executive Agencies employing almost 80 per cent of civil servants, was undertaken without any formal reference to Parliament. Indeed, such powers may be exercised entirely without Parliamentary scrutiny or discussion.

8.32 A number of members of both Houses of Parliament, most notably The Rt Hon Tony Benn MP, have campaigned for many years for aspects of the Royal Prerogative to be placed on a statutory footing and subjected to formal Parliamentary control. Although few of the submissions received in response to our consultation exercise referred to this question, those that did were generally supportive of such proposals.

8.33 The two aspects of the prerogative that are of most relevance to the governance of this country are those concerning public appointments and the making of treaties.

Scrutiny of public appointments

8.34 Scrutinising public appointments is a relatively common function of parliaments overseas. For example, the United States Senate holds confirmatory hearings during which the political and social attitudes and history of Presidential nominees may be subject to detailed scrutiny. By contrast, the Westminster Parliament has no such formal role.

8.35 The selection process for public appointments has become significantly more open and transparent in recent years, largely as a consequence of the present and previous Governments' acceptance of the recommendations of the Committee on Standards in Public Life – the 'Nolan principles'. These new arrangements have so far proved effective in ensuring that appointments are made on merit to individuals with relevant experience and expertise, but the system is still developing. We consider that Parliament should continue to exercise a strong scrutiny of the Government's general conduct in making appointments.

8.36 We see considerable disadvantages arising, however, should major public appointments be subject to any kind of formal 'confirmation' hearings by Committees of Parliament. There would be a considerable risk that good candidates would decline to be considered for appointment for fear of being subjected to intrusive and perhaps partisan questioning. It would also not be right for a Parliamentary Committee to seek to substitute its judgement for that of the responsible Ministers in their choice of whom to appoint. It may be that a satisfactory balance can be found which would enable an appropriate Committee to contribute in some way to the appointments process but we see no distinctive role for the second chamber in this area.

Recommendation 55: Parliament should continue to scrutinise the Government's general conduct in making public appointments, but there is no distinctive role for the second chamber in this area.

Scrutiny of treaty obligations

8.37 The power to make treaties is vested in the Crown as part of the Royal Prerogative, but treaties are not self-executing. They have no effect within the United Kingdom unless they are enacted by Statute into domestic law, in which case they are subject to full Parliamentary scrutiny under the normal procedures. The Crown is thus disabled from using its treaty-making powers as a device for legislating without the consent of Parliament. By contrast, much EU legislation – including secondary legislation adopted under the European Community treaties and international agreements concluded with third States by the Communities – *does* have effect in the domestic law of the United Kingdom. This legislation is therefore subject to the system of Parliamentary scrutiny described earlier. Legally binding instruments adopted under the EU's Second and Third Pillars are now also subject to the same level of scrutiny, even though they do not have the power to alter domestic law directly and are not part of European Union law. There is therefore a rigorous system in place to prevent the treaty-making prerogative being used to effect change in domestic law without scrutiny by and the consent of Parliament.

8.38 The negotiation of treaties inevitably requires a degree of flexibility over some issues, which it may not be possible to set out in advance. There might be dangers in any arrangements for enhanced Parliamentary scrutiny which could constrain Ministers' abilities to make judgements in the course of fast-moving negotiations. We therefore agree with the conclusion in the comprehensive memorandum we received from the Foreign



The United Nations building

and Commonwealth Office (FCO) that “the huge variety of treaties and of political and diplomatic circumstances in which they are negotiated would preclude a general commitment [to compulsory pre-conclusion scrutiny]”. We nevertheless welcome the FCO's suggestion that Parliament should be consulted in advance on some treaties, perhaps off the floor of the two chambers. As a first step in this direction, the Government, virtually alone amongst its major allies, set out its intended policy approach to the main issues on the establishment of an International Criminal Court. This allowed the approach to be debated in Parliament before the June/July 1998 UN conference on the subject.

8.39 Once a treaty has been negotiated, Parliament has no formal role in approving the assumption of treaty obligations by the Government, except where this is expressly required by the treaty. However, as the FCO memorandum explains, successive Governments have invited consideration of treaties under the ‘Ponsonby Rule’. Under this procedure, treaties requiring ratification are published and laid before Parliament for a period of 21 sitting days prior to ratification, with a commitment that time will be found to debate any such treaty should there be a demand. In January 1998, the Ponsonby procedure was extended. It now

also covers treaties subject simply to mutual notification of the completion of constitutional or other internal procedures.

8.40 While the existing system incorporates safeguards over the use of the Royal Prerogative, there may be scope for Parliament's involvement to be enhanced. We believe that there should be a mechanism for scrutinising the 25–40 treaties laid before Parliament each year under the Ponsonby Rule, to establish whether they raise issues which merit debate or reconsideration before they are ratified.

8.41 In February 1999, Lord Lester of Herne Hill QC and a number of colleagues put to the House of Lords' Liaison Committee a detailed proposal recommending the establishment of a Select Committee to scrutinise international treaties into which the Government proposed to enter. The Liaison Committee noted the proposal,¹¹ but decided to postpone consideration of the question until after we had reported.

¹¹ Liaison Committee. Session 1998/99. First Report. March 1999. HL49.

8.42 The proposed Committee would provide exactly the mechanism we believe is required to carry out the technical scrutiny of such treaties. Such a mechanism could draw the attention of members of both Houses to any significant implications in time for those to be debated before the end of the 21 day period provided for under the Ponsonby Rule. We therefore recommend that the Liaison Committee should consider how the proposal might best be carried forward in the reformed second chamber.

Recommendation 56: The Liaison Committee should consider the establishment of a Select Committee to scrutinise international treaties into which the Government proposed to enter.