

# New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (March 2018-May 2018)

Eichhorn, Jan. "Votes at 16: New insights from Scotland on enfranchisement." *Parliamentary Affairs* 71 (2), April 2018, pp. 365-91.

- This article presents new evidence on the experience of 16-year olds voting after the reduction of the voting age in Scotland following the 2014 independence referendum.

Geddes, Marc. "Committee hearings of the UK Parliament: Who gives evidence and does this matter?" *Parliamentary Affairs* 71 (2), April 2018, pp. 283-304.

- While evidence hearings by House of Commons select committees have received increasing attention by the public and the media in recent years, academic research on this topic has remained rather thin. Drawing on both quantitative and qualitative methods, this article examines this topic. It begins by explaining why evidence is important: (i) it is fundamental to sustain detailed scrutiny; (ii) it builds individual-level and institutional-level expertise; and (iii) the range of evidence gathered is used by committees to engage with the public. The article then presents empirical data of the pool of witnesses on which committees rely, which arguably does not reflect the UK population. This data analysis raises important further questions over the representative claims of committees.

Gerson, Jen. "Crashing the party." *The Walrus*, 15 (4), May 15, 2018 p. 13.

- Our process for choosing political leaders is flawed.

Greenberg, Daniel. "Editorial - Standards of drafting of primary legislation in the United Kingdom." *Statute Law Review* 39 (1), 2018, pp. v-vii,

- A particularly egregiously poor piece of statutory drafting would doubtless have attracted considerable concern and caused considerable

confusion had it not mercifully escaped from the statute book as a result of the last General Election...

Hargrave, Lotte. "Intimidation of candidates and others during political campaigns: the report and recommendations of the Committee on Standards in Public Life." *Constitution Unit*, March 29, 2018, 4p

- Following the 2017 general election, the Prime Minister asked the Committee on Standards in Public Life to conduct an independent, non-partisan inquiry into the issue of intimidation and harassment during elections. The report undertakes a review of the intimidation of parliamentary candidates, a third of whom experienced harassment and intimidation during the campaign...

Kennon, Andrew. "Proxy voting in the [UK] House of Commons: How could it work in practice." *The Constitution Unit Blog*, April 24, 2018, 3p.

- In February, the House of Commons passed by acclamation a motion to permit a system of voting by proxy for Members of Parliament who have recently adopted or given birth to a child. Ahead of the Procedure Committee's report on the matter, former Clerk of Committees Andrew Kennon offers his view on how a system of proxy voting might work, and some of the problems its designers will have to consider.

Strong, James. "The war powers of the British parliament: What has been established and what remains unclear?" *The British Journal of Politics and International Relations*, 20 (1), 2018, pp. 19-34.

- Britain's parliament has historically lacked formal war powers. Since 2003, however, MPs have voted five times on military action, including famously vetoing intervention in Syria in 2013. A new convention developed that - regardless of the legal

position - governments should permit the House of Commons the opportunity to veto certain military deployments. This article explores what we now know - and what we do not - about the British War Powers Convention.

Strong, James. "Confidence and caretakers: Some less-obvious implications of the *Fixed-Term Parliaments Act*." *The Political Quarterly* 89 (2), 2018, pp. 1-8.

- This article explores the 2011 *Fixed-term Parliaments Act*'s less-obvious implications. First, it discusses why Theresa May found calling the 2017 election so straightforward, and notes what this implies for how *FTPA* works. Second, it looks at executive-legislative relations. *FTPA* removed the government's ability to designate controversial parliamentary votes as matters of confidence and introduced a 14-day cushion between a no-confidence vote and Parliament's dissolution. In the process, it shifted the balance of power from ministers to backbenchers, to an extent potentially greater than most observers recognise. Third, it considers the more outlandish possibilities raised by *FTPA*'s imposition of a 14-day waiting period after a government's defeat on a no-confidence motion before a new election can be called. It is possible, for example, for rebel MPs from the governing party to use the no-confidence procedure to force concessions from the cabinet. Finally, it assesses *FTPA*'s long-term survival prospects, and what repeal would involve.

Taflaga, Marija. "Does it really matter if we call Australian politics 'semi-parliamentary'?" Democratic Audit UK blog, April 26, 2018, 4p.

- Australia's 'hybrid' executive-legislative relationship, whereby the two chambers of parliament have distinct and separate powers, has been described in numerous ways, including 'semi-parliamentarism'. The author argues that the terminology matters, and the term helps both politicians and political scientists clarify how the Australian system works, and understand the political incentives and behaviours it produces.

White, Hannah. "[UK] MPs should not be their own judge and jury when accused of harassment." Institute for Government, 2p, March 12, 2018.

- The UK House of Commons must hand over the investigation and sanction of bullying and harassment to an independent body.

Wollaston, Sarah (Chair). "Changing committee practice and procedure: enhancing effective working." House of Commons Liaison Committee - First Report of Session 2017-19, report, together with formal minutes relating to the report. HC 922, 17p, 29 March 2018.

- This report proposes two minor changes to the practice and procedures of the House relating to its select committees. There is a consensus in the Liaison Committee that these adjustments would enhance the effective working of the House's committees. The proposals concern: simplified arrangements for joint working between committees, and the admission of a member of a Chair's personal staff to deliberative meetings of committees.

Castonguay, Alec. « Jusqu'où iront les sénateurs? » [How far will senators go?] *L'actualité* 43 (3), april 2018, pp. 22-7.

- Showing more independence than ever, senators are no longer hesitating to call bills into question and influence the country's direction. And this is for the better, in the opinion of those who are leading the charge.

Pelletier, Benoît. « La modification et la réforme de la Constitution canadienne. » [Amending and reforming the Canadian Constitution] *Revue générale de droit* 47 (2), 2017, pp. 459-517.

- Constitutional reform in Canada has for a long time been a laborious process, marked by highs and lows, surprising outcomes and resounding failures. At the heart of this reform is of course the constitutional amending procedure, which has varied according to the era. Before patriation, we had to turn to the British Parliament in order to get changes made to the the more substantive parts of the Canadian Constitution. Since 1982, the constitutional amending procedure has comprised five formulas, three of which require, to varying degrees, the participation of the federal and provincial orders of government. To these already quite stringent requirements must be added various factors that add to the difficulty of its implementation. It is therefore not surprising that political actors and the courts have developed various para-constitutional adaptation strategies, that is to say substitute mechanisms to be used instead of the formal constitutional amending procedure...