

Nowica / Kate

David
Trumble's statements
on open penicillin
bid + electronics -

said on 26 Feb

are listed on the ballot paper and each voter can choose whether to cast his vote either—

- (a) for a registered party, or
- (b) for an individual candidate, whether or not that candidate is on a party's list of candidates."

Amendment No. 27, in schedule 2, page 8, leave out lines 19 to 25.

Amendment No. 79, in page 8, line 25, at end insert—

"(3C) Regulations under this paragraph may make provision requiring party lists of candidates and nominations of individual candidates to be supported by signatures of electors in the relevant constituency, and may specify the numbers of signatures required."

New schedule 1—

EUROPEAN PARLIAMENT BALLOT PAPER
EASTERN ENGLAND CONSTITUENCY
ELECTION OF EIGHT MEMBERS OF PARLIAMENT

You may vote in one of two ways:

EITHER

Put 'X' in one of these boxes to indicate the party of your choice

- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Conservative Party | Green Party | Labour Party | Liberal Democrats |

OR

Put 'X' in one of these boxes to indicate the candidate of your choice

- | Conservative Party | Green Party | Labour Party | Liberal Democrats | Others |
|---|---|--|--|---|
| <input type="checkbox"/> FORBES
Annabel | <input type="checkbox"/> SKYLARK
Daniel | <input type="checkbox"/> CLARKE
Winston | <input type="checkbox"/> HOLDER
Maureen | <input type="checkbox"/> THWAITE
Norman
SOCIALIST
LABOUR |
| <input type="checkbox"/> SMYTHE
Sir Alan | <input type="checkbox"/> ANDREWS
Melanie | <input type="checkbox"/> BLACK
Michael | <input type="checkbox"/> CHAUDHRI
Ajit | <input type="checkbox"/> KENT
Anthony
PRO-
CANING |
| <input type="checkbox"/> PARSONS
Giles | <input type="checkbox"/> VALERIAN
Jennifer | <input type="checkbox"/> PETERS
Angela | <input type="checkbox"/> HUSSEIN
Rupal | <input type="checkbox"/> McINTYRE
Lord
NATURAL
LAW PARTY |
| <input type="checkbox"/> SIDCUP
Lady Anne | | <input type="checkbox"/> SVENSON
Bob | <input type="checkbox"/> ELLERTON
Sir Paul | <input type="checkbox"/> MUIR
Seymour
INDEP'NT |
| <input type="checkbox"/> BIRCH
Dominic | | <input type="checkbox"/> BELL
Celia | <input type="checkbox"/> BEDFORD
Baroness
(Anne) | <input type="checkbox"/> SMEDLEY
Jemima
MARXIST |
| <input type="checkbox"/> PRESSMAN | | <input type="checkbox"/> UL-HAQ
Tarla | <input type="checkbox"/> MEADOWS
Simon | |
| <input type="checkbox"/> LANCASTER
Sir Alfonso | | <input type="checkbox"/> POTTER
Amelia | <input type="checkbox"/> GOLDSTEIN
Samuel | |
| <input type="checkbox"/> TRUSTFUL
Derek | | <input type="checkbox"/> CHANDLER
Nazir | <input type="checkbox"/> HUNTER
Sarah | |

4.20 pm

Mr. David Trimble (Upper Bann): After the debate had finished at 10 pm on Tuesday, I reflected that perhaps I had been too generous in taking interventions, because, had I not done so, I might have finished my speech and would not be standing here today. None the less, those interventions raised interesting points.

When the debate finished, I was responding to an intervention from the hon. Member for Stone (Mr. Cash)

to correct what I thought was a misapprehension when he said of the single transferable vote system that

"people lose the ability to make a clear choice when their vote is shuffled through the system".—[Official Report, 24 February 1998; Vol. 307, c. 272.]

I was about to tell the hon. Gentleman that he was wrong to suggest that votes are shuffled through the system under STV. If votes are transferred, it is because the elector has indicated a preference.

Votes are not transferred automatically. Under the STV system, it is common for an elector to plump—to mark only one preference. Consequently, the vote is never transferred. It is counted for the person in respect of whom the elector has indicated a first preference, and that is it. If a vote transfers to anyone else it is because the elector has indicated a preference.

As I was saying on Tuesday, when STV was introduced in Northern Ireland, the electors took it very seriously and considered very carefully the way in which they marked their preferences, in terms of voting not just for parties and candidates within those parties, but for other individuals on the list.

Mr. William Cash (Stone): I understand what the right hon. Gentleman means. If I used the word "shuffled", I should be happy to alter it to "transferred". However, irrespective of whether a voter has preferences, he has a higher preference for one candidate as opposed to another. It is clear that the second preference has a much lower order of priority. The first-past-the-post system provides a real choice. Although we could debate the issue ad nauseam, there is something inherently unsatisfactory about the second preference being given the advantage over the first choice.

Mr. Trimble: I shall return to the merits and demerits of the first-past-the-post system and the elections for which it is appropriate.

Preferences and the expression of preferences in STV allow the elector to make a sophisticated judgment on individuals and parties. Those preferences can be used not simply to vote for candidates or parties, but to vote against others. It is common in Northern Ireland for people to shape their preferences—parties advise them to shape their preferences—to express positive and negative preferences. That gives the electorate a wider choice, enabling them to express things in a more sophisticated manner. That is part of the attraction of STV. All systems have advantages and disadvantages. I am dwelling on the advantages of STV, but I shall outline its disadvantages as well.

I emphasise that STV has resulted in quite keen electoral interest, which we must all bear in mind. Given the very large constituencies as a result of the Bill—even with the single transferable vote system, there will be large constituencies—something that excites the electors' interest is of value. In addition, political parties have to adopt their voting and transfer strategies. They cannot just sit back and leave it to the electorate. Parties have to consider responses and decide what to do.

One of the criticisms that we commonly make about STV—we are aware of its flaws—is that it encourages competition between candidates of a party. The normal strategy for a party under the STV system is to run one more candidate than the number of the seats that the party thinks it will win. If, by virtue of experience and opinion polls, it is considered that two of a party's candidates will be elected, the standard advice is to run three candidates. One must always allow for the possibility that the party will do better than expected. An extra candidate would take advantage of a movement of opinion in favour of a party.

Running an extra candidate above the number that the party expects will be elected means that probably at least one person will not be elected. That gives rise to

competition between candidates. Ideally, one would hope that such competition attracts voters to the party, although candidates quickly conclude that it is easier to persuade people who are already committed to their party to switch from party candidate A to party candidate B than to persuade someone who is not in favour of one's party to switch their allegiance. Competition therefore develops between candidates, which can sometimes be taken to quite interesting extremes.

I remember the case of a former colleague who, back in 1982, stood as one of our six candidates in the 10-seat South Antrim constituency. Our most prominent candidate was then James Molyneaux, now Lord Molyneaux. The party poster listed all six candidates in alphabetical order. The gentleman in question decided to emphasise that his name was first alphabetically by excising from the poster—literally cutting out—the four names between his and Jim Molyneaux's. He tried to get on to Jim's coat tails by that device. I cannot remember whether it succeeded.

Rev. Martin Smyth (Belfast, South) indicated assent.

Mr. Trimble: My hon. Friend, who was elected in a different constituency in that election, is nodding, so the stratagem may have succeeded—although the success may also have been a consequence of one other feature of STV, which, in my eyes, although not in the eyes of others, is a serious disadvantage. It thought to be a significant advantage if one's name starts with a letter at the beginning of the alphabet. However, that is not always an advantage; it depends on circumstances.

Although we consider competition between candidates a disadvantage of STV generally, such a cloud may have a silver lining in European parliamentary elections. It will help to open up the debate on Europe in parties, and enable the electorate to take part in that debate and express preferences for the views on European issues of particular candidates in a particular party.

On Europe, the debate is not between, but within, parties. Pro and sceptical attitudes exist within all three parties and, consequently, a transferable vote system—or a system that enables the electorate to distinguish between candidates for a particular party—will allow the electorate to distinguish between particular wings of a party on these issues. That will develop the debate within the parties and enable the electorate to take part, and their view might be interesting.

That might be of particular interest to the hon. Member for Stone, who is a vigorous participant in the debate within the Conservative party. He might welcome a system that enabled the electorate to join in. Obviously, it would be a stronger point for him if he believed that the electorate would join in on his side—and he may believe that. I commend the system to him on that basis.

4.30 pm

The hon. Member for Stone raised another point about the first-past-the-post system. It is generally known that our party has expressed a preference for that system for many years, and we must deal with the issue in case we are accused of inconsistency. We would never advocate a single transferable vote system, or any proportional electoral system, for elections to this House. We are endorsing STV as the electoral method for the proposed Northern Ireland assembly, and the amendment does

[Mr. Trimble]

likewise with regard to the European Parliament. However, we draw clear distinctions between regional assemblies and the European Parliament and this House.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): I followed the right hon. Gentleman's speech on Tuesday through my magic machine. If we accept the position that he has just elucidated, there will be an inevitable move towards proportional representation in this House, whatever we say. Once the gate is opened, the arguments that are used constantly to encourage people to believe that proportional representation is somehow fairer will result in a push towards Members of the House of Commons being elected that way.

Mr. Trimble: The floodgates are already open. Proportional representation has been operating in Northern Ireland for more than 20 years, and is being proposed by the hon. Lady's party for Scotland and Wales. One can stem the tide for this House by the argument that I was about to make.

The reason why I draw a distinction between elections to this House and those to other places is that elections to the House are to elect a Government. There are arguments for having an electoral system that reflects a broad spread of opinion, and that is fine if we are dealing with a body where the premium is on having the broadest range of representation and where there is no need for clear policy decisions.

If—as in the House—we have to sustain a Government, that Government must make clear decisions. We want the electorate to be able to make choices, because a PR system will produce a range of representation and will result in coalitions having to be formed. The real policy choices are then in the construction of coalitions, and those take place after elections, rather than before.

The paradox is that PR—which represents a wide range of views—may result in the electorate not being able to choose a Government, which would be created after the event by the deals that people do. For that reason, I believe strongly that the first-past-the-post system must be retained for the House and for the formation of Governments.

Regional assemblies for the United Kingdom will be essentially administrative and will not make major policy decisions, although I know that will not be welcome news for the strong proponents of devolution. I recall the comments made by the Prime Minister during the election campaign when he likened the proposed Scottish Parliament to an English parish council. That was a bold comparison—the Scottish Parliament will go far beyond a parish council, but it will still be essentially an administrative body.

The Scottish Parliament will not have the power to take major policy decisions; nor will the Northern Ireland assembly. In the current inter-party talks, we constantly remind other parties—which are more ambitious in their views—of the realities of life, including the fact that the Northern Ireland assembly will not share the characteristics of a government.

Similarly, the European Parliament does not have to sustain a government. The European legislature is the Council of Ministers and the European executive, in so

far as there is one, is the European Commission. The European Parliament is a consultative body and there is a strong argument for ensuring that a wide range of views is represented there.

Mr. Cash: The right hon. Gentleman has, no doubt, studied the Amsterdam treaty in some detail, as some of us have. Has he noticed that it will grant extensive powers to the European Parliament, which have been minimised by the Government because they do not want people to know what is going on? The reality is that, under the procedures for majority voting and co-decision, the arrangements for an individual member state to achieve its objectives will be severely curtailed. The right hon. Gentleman's argument will be eroded by the Amsterdam treaty, because the Council of Ministers will be given increased supranational powers in the movement towards one country called Europe.

Mr. Trimble: I defer to the hon. Gentleman in his knowledge of the detail of the treaty. None the less, my point remains valid, because the legislature in Europe is the Council of Ministers. Provisions are made to give the European Parliament some influence, but it is still only a consultative body. The argument that I made earlier to justify the retention of the first-past-the-post system for the House of Commons does not, therefore, apply to the European Parliament, and I hope that it never will. I do not believe that European institutions will develop in such a way that the European Parliament will acquire the characteristics of a genuine parliament or will be required to support a government.

All electoral systems have characteristics and biases, and we must choose between them. They all produce representation to a greater or lesser extent, and we should be open about the effect that is sought for a particular institution. That is why I drew a distinction between the need for the first-past-the-post system for the House of Commons and a representative system for elsewhere.

The representative system that I have suggested for the European Parliament would place a premium on producing a proportional result and would give the electorate considerable influence in deciding the representation of the various parties. Although list systems may produce proportional results, they do not give the electorate the opportunity to choose. The closed list system, in particular, has the disadvantage of favouring party leaderships, which is, of course, why it has been proposed.

The system proposed by the Liberal Democrats is an unhappy compromise. I especially dislike the formula that the Liberal Democrats propose in amendment No. 4 for the allocation of seats. It has been deliberately chosen to favour small parties and departs from the clarity and simplicity of the d'Hondt formula. We debated that issue in some detail in 1996, and eventually chose the d'Hondt formula. If one is going to have a list system, it is better to have the d'Hondt formula, rather than the proposal in amendment No. 4, which is designed simply to be advantageous to smaller parties. On that issue, the Liberal Democrats, like some other parties, want to get their thumb on the wheel.

Mr. A. J. Belth (Berwick-upon-Tweed): The right hon. Gentleman is making a thoughtful speech and, later, my hon. Friend the Member for Sheffield, Hallam

(Mr. Allan) will seek to deploy the case for the Sainte-Lague, rather than the d'Hondt, system—it is, after all, used in a great many countries. However, on his earlier point, does he not recognise that if we are to have a list system, which is not our highest preference either, it is much better to have one with open lists, whereby the public have some influence over the choice of candidates, than one with closed lists?

Mr. Trimble: As I said on Tuesday, it would be much better still to go the whole hog. If the Liberal Democrats were to go the whole hog and support our amendment, they would be supporting their first preference. At this stage, they ought to express their first preference; if they have to haul down their sights later, so be it. However, I am grateful to the right hon. Gentleman for providing the name of other formula—the one that is biased in their favour—which I confess I had forgotten.

On Tuesday, the hon. Member for Ryedale (Mr. Greenway) said that the legislation was providing a test run on proportional representation. I want to repeat a point I made on Tuesday, which is that test runs on proportional representation have already happened: they happened in Northern Ireland, and hon. Members should look closely at that example. Having looked at the two different systems that have been applied in Northern Ireland, we think that the advantage lies with the single transferable vote system.

The Liberal Democrats confirmed on Tuesday and again just now that the single transferable vote is their preferred system—the system which they would go for if they could, and if they were not scared of offending the Government. They should remember that the STV system was introduced into the United Kingdom by the Conservatives and, when it was reintroduced in modern times, it was the Conservatives who did that; the Labour Government who followed them endorsed and re-enacted the STV system.

Therefore, my amendment offers a proposal which is the first preference of the Liberal Democrats and has been introduced by the Conservatives and endorsed by Labour. On that basis and if rationality were to apply, I would expect all of them to rally round the amendment.

Mr. James Clappison (Hertsmere): I shall speak to amendments Nos. 9, 51, 10 and 11, which stand in my name and the names of my right hon. and hon. Friends. I shall seek your leave, Sir Alan, to press for separate votes on amendments No. 9 and 10, which deal with important subjects.

I enjoyed the speech of the right hon. Member for Upper Bann (Mr. Trimble). He raised some important points and I shall touch on three of those, as they lend support to the arguments that I shall deploy in support of our amendments. The first point was about candidates' order of priority on the ballot paper. In a closed list system, the ranking of candidates is an important matter.

Secondly, the right hon. Gentleman made a thoughtful point about what happens under the new system when a Member of the European Parliament crosses the floor and moves from one party to another, but the response he received from the Home Secretary was not really satisfactory. The point is this: under the new system, MEPs will be elected under a party banner and not, in any sense, as individuals. If they cross the floor and join another party,

it cannot be pretended that they are in the same position as a Member of this Parliament who crosses the Floor, which was the argument the Home Secretary used.

Members of Parliament are elected as individuals, but MEPs are not—they are elected purely on a party basis and that fact has implications that have not been sufficiently answered.

I was also interested in the right hon. Gentleman's arguments about the differences between, and the reasons for using, different systems for different assemblies.

4.45 pm

Mr. Robert Syms (Poole): On the point of people who switch parties, the situation is worse than my hon. Friend says. Under our current system, when people are nominated, the process ends with an election. Under a list system, people are nominated for four years—until the next election. A situation can arise where, although the next person on the list has long left one's party, that person may fill a vacancy.

Mr. Clappison: My hon. Friend made some important points in earlier debates, and he has hit the nail on the head again today.

I agree with the right hon. Member for Upper Bann that the first-past-the-post system has served the House of Commons and this country well and has provided us with stable government. However, the arguments go further and extend in favour of using the first-past-the-post system for European elections as well. It is our belief that first past the post is the best way of ensuring quality representation on behalf of electors and a good quality of MEPs in Europe. All I say now in support of the amendments will be coloured by our conviction that the first-past-the-post system has served us well in this country and in Europe.

There is evidence of the first-past-the-post system earning wide admiration, not only in this country, but throughout Europe. Many MEPs from other countries view with admiration our first-past-the-post system. In order to dismiss that system which has served this country well, the Government will have to do better than the bald statement in the Home Office press announcement, which stated:

"The relationship between Members of the European Parliament and their constituents is by its nature different to the closer ties expected of a Westminster MP."

We accept that the work of an MEP is different—we have heard that from Members of Parliament on both sides of the House who have served as MEPs. In many cases, MEPs work for a different clientele, but they also serve individual constituents and we believe that a constituency system serves the interests of electors and helps MEPs to discharge their functions and form relationships with the different groups in the constituency.

Amendment No. 9 is designed to reintroduce the link between an MEP elected under the new system of voting—of which we do not approve, but there it is—and a constituency. We find it hard to understand arguments against that link, because it will help MEPs to serve their constituents.

The real problem and the crux of the Bill is the size of the regions. We need to marry up the constituency size with the electoral system and take both together if we are to strike the right balance when deciding which electoral system to use. The Bill fails to do that, which is a great pity. I am opposed to the closed list system that has been proposed and I believe that an open list system would be better. However, in terms of the Bill, that would be like trying to turn a pig into a racehorse. The Bill is not well balanced in terms of either the regions or the electoral system proposed.

Among the points raised in the debate was the allocation of seats between countries. As the Home Secretary said, England was divided into 71 seats and the rest of the seats were allocated. That means that it was not done on a United Kingdom basis and so there is a degree of over representation in Scotland and Wales. That is an important matter.

On Tuesday, the right hon. Member for Upper Bann asked the relevant question of how parties purge lists when those on a list or elected on a list system leave that political party. In an earlier intervention on my hon. Friend the Member for Hertsmere (Mr. Clappison), I raised the issue of how, when a party has nominated five candidates on a list and four are elected, the fifth has to stay on that list—the list has to remain relevant until the next set of nominations are drawn up. That is four years and a lot can happen in four years. What happens if a vacancy occurs and No. 5 on the list has gone to the Bahamas, or joined another party, or is out of favour within the party? Those matters need to be addressed, otherwise there will be difficulties.

The passage of time tends to change people's political priorities, but, with a closed list system, we do away with by-elections. One of the advantages of STV is that it allows for by-elections, albeit under an alternative vote system, or sometimes a first-past-the-post vote as they have in southern Ireland. A closed list system means that the next person on the list moves up and the electors do not get the benefit of a by-election, in which they can express their opinion on the political parties of the day.

Mr. Clappison: The Committee will be pleased to hear that I do not intend to engage in analysis of divisors and so forth. The Home Secretary was fairly brave to go once more down that route, but I prefer to deal with broad propositions which I can make with a reasonable degree of assurance.

The first of those propositions is that the Government have been proceeding on a mistake—that, seeking proportionality, they have mistakenly chosen a system that is less proportional than another. The Government have got it wrong. I make that proposition with a reasonable degree of assurance. My second proposition is made with complete assurance. It is that the Liberal Democrats will seek a system that benefits the Liberal Democrats' self interest. I can say that with complete assurance.

With an equal degree of assurance, I can state that the constituency link is a far better system from the point of view of the interest of electors than the system proposed by the Government. The Government's system is not one that was designed for the benefit of individual electors or of individual MEPs; it was designed for the benefit of the party machine and we put that on record. The Bill would be much better if it were amended to reintroduce a constituency link. We are in favour of such a link in principle and we are not persuaded by the Home Secretary's arguments, especially as even he did not go so far as to say that he was against a constituency link in principle.

We are also deeply worried by the Government's approach to registration and by the way in which they have introduced the subject of registration at this late stage and with three major constitutional Bills on the go. We are concerned about that, especially given that the question of registration comes against the background of a Bill that is becoming increasingly tatty. The Bill shows all the signs of fraying at the edges and of mistakes being made. To be fair to the Home Secretary, I know that he is not the greatest enthusiast for the legislation and, to a certain extent, I acquit him of responsibility for it. Nevertheless, we think that this is a bad Bill and we shall support our amendments.

Mr. Trimble: It has been an interesting debate. Looking back, what stands out in my mind is the cowardice of the Liberal Democrats in not supporting what they said is their first preference.

Mr. Beith: If the right hon. Gentleman had listened to my speech, he would know that I praised his and said that we strongly supported his passionate commitment to STV.

Mr. Trimble: This was intended to be a short summing up, but if the right hon. Gentleman comes with that again, I might be tempted to push my amendment to a Division to see whether he will support it. That support should have been shown by signing the amendment and being prepared to vote for it and the Liberal Democrats' failure in that sense is what I was referring to.

I was astonished by the Conservatives' audacity in attacking a closed regional list system, without explaining why they had changed their minds since introducing such a system in the House less than two years ago. I must commend the Home Secretary on the open-minded approach he has adopted and I hope that he will move toward an open list system before the Bill completes all its stages. I should have liked to have a uniform system throughout the United Kingdom, but it is clear that there is no support for that in the Committee and there is business to be done. Consequently, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 9, in page 1, line 25, leave out from 'be' to end of line 26 and insert

'an open regional list system.'

3A. An open regional list system is a system which complies with the following requirements, namely—

- (a) each electoral region shall be divided into a number of constituencies equal to the number of MEPs to be elected for that region in accordance with subsection 2(4) above and Schedule 1;
- (b) each candidate shall nominate on the ballot paper one constituency in the relevant region which he will represent, if elected;
- (c) in the event of the same constituency being nominated by more than one successful candidate, the candidate elected first shall represent his nominated constituency;
- (d) successful candidates unable to represent their nominated constituency for the reason given in sub-paragraph (c) shall, in the order of their election, choose another constituency to represent, and;
- (e) if an elected candidate has nominated a constituency which no candidate elected before him has nominated, he shall represent that constituency even if a candidate elected before him, whose own nominated constituency has been taken, seeks to choose it.—[Mr. Clappison.]