

### **Yet one more Quango: the Appointments Commission**

Queen Quango is much loved by both the Conservative Party and the Labour Party. Why is that objectionable? Because this unregal Queen, not answerable to anyone, performs state functions that in this country in this century should be carried out by a Government answerable to the electorate.

Particularly obnoxious is the emerging Quango called the Appointments Commission. This monstrous beast was foreshadowed in the Government white paper *Modernising Parliament Reforming the House of Lords*, published on January 20 1999 (Cm. 4183). It was taken up in the Wakeham report on the future of the House of Lords, about which I wrote in this journal on January 28 ("Thoughts on the new second chamber", p. 102 above).

Under Wakeham the Government of the day, answerable to the people, will lose its exclusive right to determine who shall be a new member of the second Chamber, and will indeed have no such right at all. This is because, said Wakeham, the present immemorial right of appointment, exercised by recommendation to the Monarch, "puts too much power in the hands of the Prime Minister". The question is whether the suggested alternative does not put too much power in the hands of the faceless Appointments Commission.

If this ill-conceived proposal goes through, the membership of the Appointments Commission will be vital. The Wakeham report says it should consist of a mere eight people. Three should be nominees of the main political parties, and one a nominee of the Convenor of the Cross Benchers. The remaining four should be independents selected according to what are known as the Nolan principles. A minority of Appointments Commissioners should be existing members of the second Chamber. None should be an MP.

I said in my article that it would be outrageous to award such impressive constitutional powers to a small body of ordinary citizens. They are powers to appoint our law makers, who in themselves (never mind their appointors) ought to possess enormous prestige. Nevertheless both Labour and Conservatives enthusiastically embraced this horribly unsound proposal. The Conservatives went so far as to introduce into the Lords (for what reason I know not) a Bill to carry the proposal out, the Life Peerages (Appointments Commission) Bill 2000.

Mr Blair, deciding against a Bill, has determined slit his own throat (that is introduce the Appointments Commission) by stealth (that is by using the Royal Prerogative). The news was broken by a press notice on May 4, followed by a parliamentary question on May 23.

**Mr Gordon Prentice (Pendle):** How often has the Appointments Commission met?

**The Parliamentary Secretary, Privy Council Office (Mr Paddy Tipping):** The Appointments Commission is an independent body, appointed on 4 May. I understand that it has not yet met, but that it will do so soon.

This new Quango will select only the non-political members of the House of Lords, that is the cross-benchers. It also takes over the functions of the Political Honours Scrutiny Committee. In the press notice Mr Blair said that he would determine the number of nominations he will invite from the Commission. He undertook to recommend their nominations to Her Majesty "except in the most exceptional circumstances, such as those endangering the security of the realm".

The seven members of the new Commission, chosen with the aid of a private firm calling itself PriceWaterhouseCoopers, include three nominated by the main political parties (Lords Hurd and Dholakia, with Baroness (Brenda) Dean) and four who are relatively unknown. The doughty Mr Prentice, a Labour back-bencher, asked: "Are we not getting ourselves in a terrible pickle over this Appointments Commission, which will be advised by a firm of chartered accountants as to the persons who are suitable for membership of the second Chamber? Will it be open to the Appointments Commission, under its terms of reference, to appoint people to the upper Chamber by random selection, in the way that juries are appointed? Is that a bizarre suggestion?"

**Mr. Tipping:** Yes.

Sir George Young, sixth baronet (Eton and Christ Church) and former Conservative minister, showed his failure to grasp the essentials by asking whether the Government's prerogative-derived Appointments Commission was not "but a pale shadow of the independent statutory Appointments Commission that we really need, so as to remove the enormous patronage that remains in the hands of the Prime Minister?"

Mr Tipping, dodging the question, said the Government wanted to build on the Wakeham report. He added: "The independent Appointments Commission is an important first step. If we could arrive at a consensus on the way forward, I hope that we should quickly move to the Wakeham recommendations".

This particular Quango is not yet securely on her throne. However if a sleepy nation does not speedily wake up there will be no shifting her.

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