

### **The rise and rise of Queen Quango**

I write this week about our new monarch, Queen Quango. Like the Hydra slain long ago by Hercules after a protracted struggle, she is many-headed. When Hercules struck off any one of the Hydra's heads two more swiftly grew in its place, which must have discouraged him. I have much the same feeling when contemplating today's Queen Quango.

The House of Lords debated the growth of Quangos (Quasi-Autonomous Non-Governmental Organisations) on November 15 1978, when the general sentiment was that they were a Bad Thing. Since then their growth has been rank, particularly under Mr Blair. I refer now to Queen Quango because the current Blairite tendency is to get the monster to usurp functions, such as the ennoblement of Her subjects, which properly belong to our sovereign lady Queen Elizabeth II (advised of course by Mr Blair).

As I reported at page 102 above, the egregious Wakeham Commission recommended that members of the new House of Lords not elected on a regional basis should be chosen by a Quango to be called the Appointments Commission, and this was welcomed by Mr Blair. For the benefit of readers not inclined to put themselves to the trouble of looking my article up I will give just one quotation.

"It seems to me 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 ought as such to possess enormous prestige. To make laws for a great nation is a mighty privilege. But what prestige can these eight people have when their origins as legislators are so insignificant?"

It is unfair to blame Mr Blair entirely. The shadow Lord Chancellor Lord Kingsland (Conservative) has introduced into the House of Lords a Bill, the Life Peerages (Appointments Commission) Bill, which would implement the Wakeham proposals so far as they relate to cross-bench (independent) peers. I believe the Wakeham Commission, and those who agree with them, are simply wrong in saying that the historic arrangements for appointing members of the second house put too much influence in the hands of the Prime Minister of the day. Such political power, which originates with the people, lies where it belongs - in the hands of the person who heads the political party chosen by the people. It should stay there.

Queen Quango is growing yet another head. On April 3 the House of Lords gave a second reading to the Political Parties, Elections and Referendums Bill, about which I wrote at page 61 above. It was passed by the Commons, and seems certain to proceed into law. The Government Minister moving the second reading, Lord Bassam of Brighton, rather presumptuously told us that the core purpose of the Bill is nothing less than to reinvent our democracy. Is it really that tired?

I won't repeat what I said before about the Electoral Commission proposed by the Bill. This further new Quango, praised by Lord Bassam as destined to be the "moderniser" of our electoral system and to play a key role in promoting in our country a greater sense of citizenship (oh dear!), could on the contrary seriously threaten democratic functioning. Once again we see the prospect of a small group of salaried nobodies being entrusted with hugely important constitutional functions truly inhering in the Crown and its Ministers. Our

democracy has been the envy of the world for many years. Do we really need these frills and flounces to enhance its working now?

The Conservative Party's reply to Lord Bassam was delivered by their new spokesman on constitutional matters. This turns out to be someone called Lord Mackay of Ardbrecknish, a former Head of the Mathematics Department at Oban High School. His Lordship agreed that we need this new Quango, so there is no hope of deliverance there. He showed he has something to learn about constitutional matters by opening with a misconceived attack on the Bill's drafting beginning "What at first sight would seem to be a few simple, easily understood propositions . . . have been turned into a long, complicated and, in many places, pretty impenetrable legalese which no ordinary person could be expected to follow." At the end of his speech he repeated that "ordinary folk" should be able to understand the Bill.

Someone needs to take Lord Mackay of Ardbrecknish quietly to one side and explain a few elements of legislative drafting. As the Renton Committee said, a Bill needs to be drafted in the way that is best from the point of view of its ultimate user, who is bound to be a legal expert. Whether Lord Mackay of Ardbrecknish likes it or not, he had better learn that law like mathematics is an expertise. That is why we need a legal profession.

**Francis Bennion**  
[www.francisbennion.com](http://www.francisbennion.com)

2000-019 150 NLJ 545 (14 April).