

Delivering Labour's legislation thanks to the Tories - as most other Labour Premiers have done

PHILIP COWLEY and MARK STUART*

Unless something miraculous occurs between now and the Second Reading of the Education and Inspections Bill it looks as if the Bill will receive its Second Reading only as a result of Conservative support – with the Labour rebellion large enough to defeat the Government if the Conservatives opposed.

There are several reasons why it is not a good idea to have to rely on the support of your opponents to enact your legislation. For one thing, it effectively cedes control of the Bill, giving them veto power over the legislation. Despite the Conservatives promising to back the Bill, they could easily contrive an excuse to vote against it at some point during its passage – arguing, for example, that Ruth Kelly has watered the Bill down too much. This could help produce a focussed defeat at Report Stage, say, or even a more dramatic defeat of the entire bill at Third Reading.

There is also the risk of the Government losing a vote on the Bill's programme motion. Conservative support for the contents of the Bill will not necessarily extend to the timetabling of its passage, and it would be easy enough for Labour rebels to gang up with the Conservatives to wrest control of the timetable from the government.

And then there's the symbolism of the thing. It is seen as improper for a Labour Prime Minister to enact laws thanks to the votes of Conservative MPs – hence all the talk of Ramsay MacBlair.

Yet should Tony Blair win Wednesday's vote as a result of Conservative support, it will not be the first time a piece of Labour legislation has been delivered thanks to the Tories. *The comparisons with Ramsay MacDonald overlook the fact that it can be argued that all other Labour Prime Ministers have relied on Conservative support occasionally.*

Previous examples

For obvious reasons, relying on the votes of the opposition has been particularly common in those periods of Labour Government when Labour did not enjoy a large majority (or any majority). Table 1 provides some key Second Reading votes between 1974 and 1979, when James Callaghan or Harold Wilson's governments won Second Reading votes for their legislation thanks to the support of the Conservatives.¹ It is not a comprehensive list, but focuses on the key examples. In each case, the rebellion would have been large enough to defeat the Government had there been a sizeable Conservative turnout in opposition.

* University of Nottingham. This paper draws on research funded by the Economic and Social Research Council. Further details are available from www.revolt.co.uk.

¹ There are also examples of the Government winning only because the Opposition abstained, such as the Second Reading of the Social Security (Misc Prov) Bill on 2 December 1976, when 30 Labour MPs voted against the Bill, but the Conservative frontbench abstained

1. Key Second Reading Votes, 1974-79, won thanks to support of Conservatives

<i>Prime Minister</i>	<i>Bill</i>	<i>Date of Second Reading</i>	<i>Details</i>
Wilson	The National Lotteries Bill	26 February 1975	39 Labour MPs voted against the Bill (as did 19 Conservatives), but it was given a Second Reading thanks to the support of 103 Conservative MPs, and five Liberals
	The Channel Tunnel Bill	30 April 1974	33 Labour MPs voted against the Bill (as did 13 Conservatives), but it was given a Second Reading thanks to the support of the Opposition.
Callaghan	The House of Commons (Redistribution of Seats) Bill	28 November 1978	38 Labour MPs voted against the measure. The Bill received its Second Reading thanks to the support of 186 Conservative (more indeed than the 153 Labour MPs voting for the measure). Those abstaining included one government whip abstained - was later reprimanded by the Chief Whip.
	The Independent Broadcasting Authority Bill	6 March 1979	26 Labour MPs voted against the Bill, but it was carried thanks to the support of 48 Conservatives, and assorted others. Willie Whitelaw, then Deputy Leader of the Opposition, voted in both lobbies.
	The Administration of Justice (Emergency Provisions) (Scotland) Bill	20 March 1979	22 Labour MPs (including tellers) voted against the Bill, but it was passed thanks to the support of 35 Conservatives and assorted others.

Source: Drawn from Philip Norton, *Dissension in the House of Commons, 1974-1979*. Note that in each case the rebellion was large enough to defeat the Government had there been a sizeable Conservative turnout in opposition.

With a small or non-existent majority as Callaghan and Wilson had, it is not surprising to see them relying on support from the Opposition. But there are also two examples of Labour Prime Ministers enacting legislation on the back of Conservative votes when they enjoyed a workable majority in the Commons:²

[1] On 27 February 1968, the Commonwealth Immigrants Bill was given its Second Reading by 372 votes to 62. The Government whips were on, although the Opposition allowed a free vote. The 374 Members (including tellers) to support Second Reading comprised 211 Labour Members, 162 Conservatives and one Independent Conservative. The 64 Members (including tellers) to oppose Second Reading comprised 35 Labour Members, 12 Liberals, 15 Conservatives, one Welsh Nationalist and one Scottish Nationalist. Between 31 and 40 Labour MPs are said to have abstained. Had the Conservative MPs voted in the other lobby, the Government would have lost.

² Both examples are taken from Philip Norton's, *Dissension in the House of Commons, 1945-1974*.

[2] On 1 April 1947, the National Service Bill was given a Second Reading by 386 votes to 85, with 131 Conservatives voting with the Government. The 87 Members (including tellers) to oppose the Bill comprised 72 Labour Members, 10 Liberals, 2 ILP Members, one Conservative, one Independent and one Communist. Between 30 and 40 Labour Members are also believed to have abstained from voting. In this case, because of a relatively low turnout, the Government would still have won had the 131 Conservatives been in the opposition lobby. But had there been a full Conservative turnout, a rebellion of 72 cross-votes along with 30-40 abstentions would have been enough to defeat Attlee's government.

Neither the 1968 or 1947 example is exactly like what is expected to happen with the Education and Inspections Bill. In 1968, the Conservatives were given a free vote (and so it was the support of individual Conservative MPs that helped them deliver the Bill, rather than being the support of the frontbench), whereas in 2006 they will be whipped. In 1947, although the rebellion should have been large enough to defeat the Government without Conservative support, the low Conservative turnout meant that the Government would have survived even without Conservative support. That is unlikely to be the case with the Education and Inspections Bill.

But still, when confronted with accusations that he is the 21st Century's Ramsay MacDonald, Blair will be able to respond that he is in fact merely doing something that all his predecessors have done – and that if it was good enough for Clement Attlee, it is good enough for him.