

## PARLIAMENT

- Influence of back benchers
- Effectiveness of Parliament: roles, whips...
- Executive dominance?
- Scrutiny/representation
- Expenses scandals
- Roles of parties in Parliament

### Parliamentary and Presidential government

<b>Parliamentary</b>	<b>Presidential</b>
<ul style="list-style-type: none"><li>• The executive and legislative branches are fused.</li><li>• Parliament can dismiss the government; the government can dissolve parliament by calling a general election.</li><li>• Power is exercised collectively within the executive branch - PM is head of cabinet.</li><li>• PM can command a majority in the parliament following a general election.</li><li>• The head of the executive is not the head of state.</li></ul>	<ul style="list-style-type: none"><li>• There is a clear separation of powers between the executive and legislative branches.</li><li>• The legislature cannot dismiss the president, except in special circumstances, and the executive cannot dissolve the legislature.</li><li>• Power in the executive is concentrated in the office of president.</li><li>• The president is directly elected by the people.</li><li>• The president is the head of state.</li></ul>

Head of State - the chief public representative of a country, such as a monarch or president.

Legislature - the branch of government responsible for passing laws.

Parliament - as assembly that has the power to debate and make laws.

**The Westminster model:** traditional way that describes the British political system, claims/assumes that the British case is the best example of how a political system should operate.

- *Representative government* - people do not take decisions on public policy directly, but elected MPs do so on their behalf.
- *Responsible government* - the government is accountable to parliament for its actions, and is ultimately accountable to the people through elections. Collective responsibility means that the government can be forced to resign by parliament. People can remove the government at a general election.

#### Key terms/concepts:

- **Parliamentary sovereignty** - The doctrine that parliament has absolute legal authority within the state. Parliament can make law on any matter it chooses, its decisions may not be overturned by any higher authority and it may not bind its successors. It is a legal theory concerning the location of law-making authority. But EU membership and devolution raise questions about how meaningful parliamentary sovereignty is in practice.
- **Government mandate** - The right of the governing party to pursue the policies sets out in its manifesto. It gives the government the authority to pursue its stated policies, but it does not require it to do so or prevent it from drafting proposals not included in its manifesto.
- **Elective dictatorship** - The excessive concentration of power in the executive branch. The lack of separation of powers and the control of Parliaments by PM, once elected, the PM was effectively a dictator until the next general election.

### **Executive dominance**

- There has been a perception of a growth in executive dominance in the UK.
- The effect of this may be a greater marginalisation of Parliament.
- Party dominates the House, and this stranglehold has been worsen as more and more power has been concentrated in Downing Street
- E.g. Margaret Thatcher and Tony Blair

**Structure of Parliament:** the UK has a **bicameral** legislature - two chambers in parliament. Formally, the UK parliament actually has three component institutions...

- The House of Commons
- The House of Lords
- The "Crown in Parliament", i.e. the monarchy

**The House of Commons** - is the lower house of the parliament. It has been the dominant chamber for over a century. Two key powers of parliament are effectively exercised by the Commons.

- *Parliamentary sovereignty* - gives parliament legislative supremacy, the ultimate law-making authority within the UK.
- *Motion of no confidence* - the HoC can remove the government by defeating it in a motion of no confidence (a.k.a. vote of confidence). If the government lose the vote, then they must resign and parliament is dissolved.
  - 1979, James Callaghan's Labour government.
  - 1993, John Major's Maastricht Treaty. A government can initiate a vote of confidence to pressurize its MPs to support key legislation.

**Composition** - the HoC is a democratically elected chamber consisting of 650 Members of Parliament (MPs). Each MP is elected in a single-member constituency by FPTP system. The number of MPs can change following reviews of parliamentary constituencies.

- More than 100 MPs hold ministerial positions.
- The main opposition party appoints "shadow ministers" to confront their rivals.
  - *Frontbenchers* - an MP who holds a ministerial or shadow ministerial position.
  - *Backbenchers* - an MP who does not hold a ministerial or shadow ministerial position.
- Each party appoints a number of MPs to act as whips.
  - Whips - a party official responsible for ensuring that MPs turn up to parliamentary votes and follow party instructions on how to vote; an instruction to vote that is issued to MPs by political parties.
- Whips have three main roles:
  - To ensure that MPs attend parliamentary divisions (votes), or approve of their absences.
  - To issue instructions to MPs on how to vote (whip).
  - To enforce discipline within the parliamentary party. They seek to persuade wavering MPs to vote with their party. They can expel rebel MPs by "withdrawing the whip".
- The *Speaker* presides over debates in the chamber, selecting speakers and maintaining orders. S/he may temporarily suspend MPs who break parliamentary rules. The speaker is elected by fellow MPs through a secret ballot and s/he must stand down when a general election is called. Once chosen the speaker must give up his/her party affiliation and be non-partisan. The speaker does not vote unless there is a tie - but uses it to provide further debate rather than a final decision. Three deputies assist the speaker by chairing some sessions (e.g. the budget debate).

**The House of Lords** - is the upper house of the UK parliament. It is an unelected chamber and is subordinate to the House of Commons. They can delay most bills passed by the House of Commons for up to 1 year.

- *The Parliament Act 1911*
  - Restricted the veto power to two parliamentary sessions (i.e. 2 years).
  - Prevented the Lords from delaying "money bills" (bills that include significant provisions on taxation or expenditure - relating to the budget).

- *The Parliament Act 1949.*
  - Reduced the veto power to 1 year.

The Lords can propose amendments to bills passed by the Commons (except money bills). If the Commons refuses to accept the wishes of the Lords, the upper house is faced with the choice of backing down or blocking the bill from becoming law for 1 year. If the latter is chosen, the bill can be passed unchanged in the following session of parliament without the consent of the Lords using the Parliament Act (1949).

This has been invoked on only four occasions:

- The War Crimes Act (1991)
- The European Parliamentary Elections Act (1999)
- The Sexual Offences (Amendment) Act (2000)
- The Hunting Act (2004)

Until 2009, the House of Lords also had a judicial role. The Law Lords - senior judges who sat in the Lords - acted as the UK's highest court of appeal. The Supreme Court took over this role in 2009.

The House of Lords consists of:

- *Hereditary peers* ("backwoodsmen")
  - The Peerages Act (1963) allowed hereditary peers to renounce their titles and membership of the Lords to join the Commons (e.g. Alec Douglas Home, Tony Benn)
  - There were 750, but after the House of Lords Act (1999), only 92 peers remain.
  - "Elected hereditary peers" are elected by ballots of hereditary peers from party and cross-bench groups.
- *Life peers*
  - The Life Peerages Act (1958) gave the PM the right to appoint members of the upper house for life.
  - They form the largest category of members of the upper house.
  - An independent House of Lords Appointments Commission recommends individuals for appointment as non-party peers, and vets those nominated by political parties.
  - The creation of life peers increased the diversity and professionalism of the HoL.
  - The body includes former ministers and MPs, and leading figures from business, education and the arts.
  - Some 20% are women.
- *Lords Spiritual*
  - 2 archbishops and 24 senior bishops of the CoE sit in the HoL.
- *Lords of Appeal*
  - Senior judges or retired judges who sit in the HoL.
  - They are NOT the Law Lords (a.k.a. Lords of Appeal in Ordinary) who are NO LONGER members of the Lords.

No party had a majority in the upper house and cross-bench members have no formal party allegiance.

#### Should the HoL be wholly elected?

Yes	No
<ul style="list-style-type: none"> <li>• It would give the Lords legitimacy.</li> <li>• It would be better placed to scrutinize and amend government bills, improving the quality of legislation.</li> <li>• If no party has a majority (under PR), it would be able to challenge the executive.</li> <li>• If elected by PR, it would be more representative of the electorate.</li> <li>• Under PR, the Lords would be more representative of the electorate than the Commons.</li> <li>• In an appointed HoL, there is too much power in the hands of those that appoint peers.</li> </ul>	<ul style="list-style-type: none"> <li>• It would come into conflict with the HoC, as both would claim democratic legitimacy.</li> <li>• Institutional conflict between two chambers would produce legislative gridlock.</li> <li>• An appointed house would retain the expertise and independence of cross-bench peers.</li> <li>• The shortcomings of party control found in the HoC would be duplicated in an elected upper house.</li> <li>• Membership can be controlled to represent all of society.</li> </ul>

\*PR = Proportional Representation

### Similarities and differences between the two houses

- The Commons and the Lords have a similar procedure, spend time passing legislation, the shape is similar.
- However, the Lords have cross-benchers that are independent from parties and stop a government from having a majority, even members of parties are more independent than the Commons.
- Lords usually have more expertise in certain fields as they are people who have retired from those fields such as lawyers and business men.
- Lords lack legitimacy and authority because they are appointed rather than elected.

**The monarchy** - retains a formal and ceremonial role in parliament. The monarch is the **head of state**, but many of the powers associated with the Crown are exercised by ministers. The monarch's role in parliament entails:

- *The royal assent* - approval by the monarch is the final stage in the legislative process. Only when a bill has been signed by the monarch can it become law. Constitutional convention dictates that the monarch must always grant the royal assent.
- *Appointing the prime minister* - a formality, with the leader of the largest party invited to form a government.
- *Dissolving parliament* - a formality, where the PM must ask the monarch for permission to dissolve parliament and call a general election.
- *The Queen's Speech* - at the State Opening of Parliament, the monarch opens the new parliamentary session and delivers the Queen's Speech. It sets out the main bills that the government intends to introduce that year. The speech is written by the PM and his/her officials in Downing Street, not by the monarch.

### Functions of parliament

- **LEGISLATION: making law**
  - Both the HoC and HoL are involved in the passing of legislation, however the Commons is by far the most important chamber in this process.
  - The Lords have no say over the budget - money bills.
  - The imbalance between the two houses raises questions over the effectiveness of parliament.

#### Key terms:

- A **bill** (draft legislative proposal) is debated in parliament.
- When a bill has completed the legislative process and enters into law, it is known as an **Act of Parliament**.
- **Public bills** concern general issues of public policy, introduced by a government minister.
- **Green paper** sets out various options for legislation and invites comment.
- **White paper** explains the objectives of government policy.

- The Legislative process:
  - Pre-legislative scrutiny
  - First reading - formal presentation
  - Second reading - main debate on the principle of the bill
  - Committee stage - detailed scrutiny of each clause + amendments
  - Report stage - amendments made in committee are considered by the full house.
  - Third reading - debate on the amended bill on the floor of the house + no further amendments are permitted
  - House of Lords stages - the bill is sent to the Lords where it follows the same procedure. A bill may go back and forth between the two houses: "parliamentary ping pong".

- Committees and bills:

Standing committees (public bill committees)	<ul style="list-style-type: none"> <li>• A group of 15-50 MPs and peers</li> <li>• Considers each bill on a line-by-line basis</li> <li>• Amendments are made to prospective legislation through vote by majority</li> <li>• Once the bill is passed, the committee is disbanded</li> <li>• Relevant MPs/peers sit on the committee</li> <li>• PARTY LOYALTY still applies and members are expected to "toe the party line"</li> </ul>
Departmental select committees	<ul style="list-style-type: none"> <li>• 19 committees made up of 11-14 members that shadow each govt. department.</li> <li>• Party whips influence the liaison committee to get who they want on it</li> <li>• The chair is usually a significant parliamentary person</li> <li>• Members are expected to behave in a NEUTRAL way</li> <li>• Have significant powers and can call for ministers, civil servants, external witnesses and official papers for their investigation</li> <li>• Carry out the main <b>scrutinizing</b> role</li> </ul> <p>E.g. Defence, Education, Justice, Scottish Affairs, Treasury, Health...</p>
Public accounts committee	<ul style="list-style-type: none"> <li>• Examines the accounts, showing how money granted by parliament had been used in programs involving public expenditure</li> </ul>
Private member's bills	<ul style="list-style-type: none"> <li>• Introduced/sponsored by backbench MPs</li> <li>• Aim to change the law for whole population</li> <li>• Can be introduced as a result of winning a place in "top 20 ballot", held early in a new session</li> <li>• Can be "ten-minute bills" - MPs spend ten minutes raising the profile of an issue</li> <li>• Few PMBs become law, but have created publicity</li> <li>• Lack opportunities for introduction + lack of time for consideration + lack of civil service help</li> <li>• Often deal with socio-moral topics (no strict party view)</li> <li>• Some important ones have been enacted (e.e. the Abortion Act 1967)</li> </ul>

- Effectiveness of legislation: the UK parliament is a **policy-influencing legislature**. These can modify or reject legislative proposals from the executive but are unable to develop extensive legislative proposals of their own. Parliament's effectiveness in making and scrutinizing law is limited by the dominance of the executive. This is evidence by:

- **Government bills** - most bills originate from the government
- **Parliamentary timetable** - the executive controls much of the legislative timetable
- Party discipline - the whip system ensures that the government proposals are rarely defeated
- House of Lords - the upper house scrutinizes and revises legislation, but does not alter the key features of most bills

• **SCRUTINY AND ACCOUNTABILITY**

- Accountability: the principle that an office holder or institution must account for its actions. In a system of parliamentary government, ministers are accountable to parliament and to the electorate. They have duties to explain their policies and actions to parliament. Ministers may also be held responsible for policy failures. MPs face the electorate at a general election where their constituents may take their record in office into account when deciding whether to vote for them.
- A number of routes for scrutinizing the executive are available to MPs in the chamber...
- **Question Time/PMQs:**
  - Government ministers/PM face questions from MPs on the floor of the house.

- Captures the essence of adversarial politics
  - Can be seen as political point scoring
  - Hold the ministers/PM to account - allow questions to be directly presented to the ministers/PM in which s/he has to answer
  - Has brought light to some scandals and large issues in the past that have attracted huge media attention (e.g. Blair - cash for honors)
- **The Opposition**
  - The second largest party in the house is the official opposition
  - It will oppose many of the government's legislative proposals, and harry (attack) the government throughout the legislative process by tabling amendments and forcing votes
  - The leader will confront the PM at PMQ
  - Appear as an alternative government-in-waiting
  - Opposition days (20 days) given to the opposition to raise issues of interest, ask the government awkward questions and try to present the government in a negative light.
- **Debates**
  - Half-hour adjournment debates at the end of each day give MPs a chance to raise a particular issue. Ministers also make statement to parliament on major issues.
  - Many are poorly attended
- **Select committees**
  - Effective agent of the scrutiny of the actions of the executive (government departments) and holding it to account, run by backbenchers
  - Spend a lot of time questioning members of the executive
  - Have the ability to call for "papers, persons, and records"
  - MPs are allocated to select committees by party whips, and the numbers from each party is proportionate to party strength within the Commons. So there is always a majority of MPs from the governing party
  - Reports issued by select committees are often critical of the government
  - Limitations:
    - i. MPs often lack the knowledge/expertise to scrutinize ministers;
    - ii. The government is under no obligation to take action on the recommendations made;
    - iii. Ministers are very skilled at avoiding answering questions;
    - iv. Ministers are at no obligation to attend, some simply refuse to attend the hearing (e.g. Brown in his time as chancellor)
    - v. Whips decide who sits in a committee, rebellious MPs can either be demoted or kept out
- **House of Lords** scrutinizes and revises legislation, but does not alter the key features of most bills
- **REPRESENTATION**
  - MPs are elected to represent their...
    - Parties, however at the time of the general election they can withdraw support for some policies.
    - Constituencies
    - They country as a whole, national interest
    - Other groups they may be involved in
- **RECRUITMENT OF MINISTERS**
  - Traditionally, future ministers have learned about the political process and carved out their reputations in the House of Commons. However, parliament's effectiveness in this area is questionable:
    - **Communication skills** - parliament is no longer the key arena in which politicians display their oratorical skills. Ambitious MPs must excel on television if they are to reach the highest level of their profession.
    - **Experience** - 227 new MPs enter the Commons in 2010. Government needs

individuals with managerial, leadership and organizational skills, rather just communications skills. 20% of MPs in 2010 have worked in politics before entering parliament (as researchers or advisors).

- **Conformity** - reliable MPs have a better chance of rising through the ranks than trouble maker, who may be offered junior posts to keep them quiet. For most backbenchers the legislative routine allows little opportunity for independent thought or action.

- *LEGITIMACY*

- An important concept; based on the consent of the people
- Parliament helps to maintain the legitimacy of the British political system
- MPs hold legitimacy
- The Government also has legitimacy as it gained a majority of seats in the last General Election (in most cases)
- Peers have no real legitimacy because they are not directly elected by the people