



UK Politics and Government – Parliament

Politics Edexcel and AQA – revision notes – based on Hodder Education revision guides

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Bicameralism = two chambers, the House of Commons and the House of Lords.

The House of Commons

An elected chamber with 650 MPs.

The Speaker = chairs proceedings, an MP, elected by the House, needs to be impartial.

The treasury benches = government benches where the prime minister, cabinet, government ministers and government backbenchers sit.

The opposition benches = opposite the treasury benches and where non-government MPs sit.

Opposite the cabinet, sits the **shadow cabinet** that includes the leader of the opposition, while the opposition backbenchers sit behind.

Whips = for both parties, to ensure their party's MPs vote in accordance with the party.

MPs

- All MPs represent a constituency.
- Virtually all MPs are part of a specific party; few are elected as independent.
- They enjoy parliamentary privilege = free from outside interference and cannot be prosecuted for anything they say inside the Commons.
- MPs who are not members of the government or the leadership of their related party are called backbenchers.

Backbenchers

- MPs that do not hold a position in the government or act as an official spokesperson to the opposition party.
- Backbenchers usually **vote along with the whip** in accordance with the party.

- They are **usually non-rebellious** and tend to be loyal because they were elected based on the party manifesto and would not like to rock the boat, especially if they hope for **promotion** within the party.
- Backbenchers are **increasingly rebellious** and sometimes they do not comply with the party discipline; and therefore, they can increasingly influence amendments although it is unlikely to lead to a complete defeat of a bill.
- MPs are protected by a **parliamentary privilege** that provides immunity from the laws of slander, and they can thus speak freely in chamber.

How influential are the backbenchers

+Increasingly defy the whip and vote against the government.

+The creation of **Backbencher Business Committee BCom** allowed them greater say on which issues are raised in the Commons.

+Higher influence in a **hung parliament**, questioning the government's position.

-Party whips still control the majority of voting outcomes and backbenchers are anxious for their future position and survival.

-Many debate whether the BCom secures sufficient time by the government, and it is being held in Westminster Hall rather than the Commons; lower status.

-Backbenchers are less influential with a majority government.

Functions and effectiveness of the House of Commons

1 – Legislation =

Debating, scrutinising, amending and voting on legislation.

Less involved in proposing bills which are mainly generated by the executive.

- **Effective:** Commons vote against Blair's plan to extend the detention of terrorist suspects to 90 days.
- **Ineffective:** usually the government benefit from a majority in the Commons and therefore gets its seal of approval. For example, Blair did not lose a vote between 1997-2005, and even the coalition of 2010-15 lost only two votes.

2 – Debating =

Debating legislation at the second reading.

Debating current affairs of interest and emergency debates.

- **Effective:** backbenchers were given more power to shape the parliamentary agenda. It important especially when there is a majority government that can

control what and when certain issues are being debated. The number of debates on immediate issues has increased.

- **Ineffective:** time allocated for debating is limited because of the time that is required for governmental business. Whips are relatively powerful and effective in disciplining their MPs.

3 – Representation =

MPs are elected to represent the interests of their constituents.

MPs have surgeries in their constituents, and concerns are raised in questions and debates.

Resemblance = the idea that representative institutions should be staffed by people who come from a wide range of backgrounds and by professionals that share similar characteristics with the communities they serve. For example, there should be an equal number of men and women.

MPs follow the Burkean or Trustee Model of representation.

- **Effective:** MPs raise concerns through various channels such as written and oral questions and adjournment debates. MPs are scrutinised by their constituents and held to account, publicly and formally (Recall).
- **Ineffective:** the focus is on the party rather than the specific candidate elected by the constituent. FPTP often results in the MP being elected by less than half of their constituents, thus less pressure. Parliament is not socially representative because it is primarily male without a significant representation to ethnic minorities. The term BAME (Black, Asian and Minority Ethnic) is avoided currently because it excludes certain other minorities such as mixed and white ethnic minority groups.

4 – Scrutiny and accountability =

Scrutinising legislation and the functioning of the government, particularly through Public Bill Committees and Select Committees.

Scrutiny can involve criticising the government, forcing ministers to explain their policy and justify it, and up to dismissing a government through **a vote of no confidence** = a motion, that if passed, will effectively dismiss the government and force an election.

- **Effective:** Select Committees are highly involved in various aspects of legislation.
- **Ineffective:** oral questions in the Commons are described as ‘pantomime’ alluding to the ineffectiveness of the debate.

5 – Legitimacy =

The accountability of the House of Commons reflects the **consent** that is rendered by the citizens to public policies, and thereby are the source of legitimacy.

Powers granted to the House of Commons

- 1 – Can initiate, amend and veto legislation.
- 2 – Can reject legislation even from the ruling party's own manifesto.
- 3 – The government's budget requires approval by the House.
- 4 – The House can dismiss a government by passing a motion of **no-confidence**. The last time it happened was in 1979, and it is rather rare.
- 5 – Order ministers to answer questions on the floor of the house, or at a select committee or in writing.
- 6 – Order debates on important national issues or in emergency or crisis events.

The legislative process

- (1) **First reading** = MPs are informed about the bill or proposed legislation.
- (2) **Second reading** = the main debate on the bill, followed by a vote.
- (3) **Committee stage** = if the Commons vote in favour of the bill at the second reading, a public bill committee is formed to examine and scrutinise the bill, and it may propose amendments.
- (4) **Third reading** = a final debate, a last chance to block the bill.
- (5) **Passage to 'the other place' the House of Lords** = most bills are presented in the House of Commons so they can be presented next to the Lords, although it can happen the other way around.
- (6) **Royal assent** = the monarch signs the bill into a law; the bill now becomes an Act of Parliament.

Types of legislation

- (1) **Public bills** = presented by the government and expected to pass.
- (2) **Primary legislation** = major pieces of legislation involving either changing existing laws or granting power to subsidiary bodies to make secondary legislation.
- (3) **Secondary legislation/delegated legislation** = usually ministerial orders that are delegated by virtue of the power of primary legislation. Parliament has the option of vetoing such legislation.

- (4) **Private members' bills** = backbench MPs may enter a ballot that allows five of them each year to present their own proposed piece of legislation. These rarely pass into laws unless they receive the support of government.
- (5) **Private bills** = are presented by individuals or organisations that exist outside the government and parliament. They apply for permission from the parliament to take certain actions, usually building or changing land use which at the moment of application are forbidden or restricted.

The House of Lords

An unelected chamber.

Life peers appointed for their lifetime, 676 in 2019.

Hereditary peers = inherited their title, and since the reform in 1999 their number was reduced and fixed at 92 peers.

Lords spiritual, senior clergy from the Church of England, fixed number at 26.

The House of Lords has a Speaker; like the Commons, government and opposition benches and Whips.

It also has a number of crossbenchers that are not attached to any specific party. In the Commons independent MPs sit on the opposition benches.

Functions and effectiveness of the House of Lords

The Lords has similar functions to the Commons except representation because it is unelected. Therefore, there is an issue of legitimacy as it is practically democratically illegitimate and hence there are calls for further reforms.

1 – Legislation =

The House of Lords is sometimes called as the **revising chamber**.

- **Effective:** government legislation is rejected at more the Lords compared with the Commons, because there is less of a majority to the ruling party. Additionally, Lords are more likely to rebel against the whip compared with MPs.
- **Ineffective:** no legislative veto, can only delay legislation and yet can be overridden by Parliament Acts. **Salisbury Convention** also excludes some legislation from being obstructed by the Lords, such as measures that were apparent in the ruling party's manifesto.

2 – Debate =

Legislation and current pressing issues.

- **Effective:** can spend more time on debates because less preoccupied with other government business. Many peers in the first place appointed based on their expertise in a particular field and/or held high office, and their background contributes to the nature of the debate.
- **Ineffective:** can be seen as a 'talking shop' where debating is taking place without much action or implementation. Often poor attendance, even more than apparent in the Commons.

3 – Scrutiny and accountability =

Operates as an entire chamber rather than in smaller committees that operate in the Commons; yet it has its own select committees and some include members of both chambers.

- **Effective:** high level of expertise contributes to the depth and scope of scrutiny.
- **Ineffective:** the most senior ministers are in the Commons and therefore only the junior ones are held to account in the Lords.

4 – Questions =

Lords cannot ask questions of the prime minister in the chamber, but there are ministers' questions, same as in the Commons, where ministers who are members of the House must answer questions on behalf of the government.

Powers of the House of Lords

Fewer powers than the Commons, and can:

- 1 - Delays legislation for up to one year, and because of the Parliament Act 1949 it has no right of veto on legislation.
- 2 - Amends legislation, yet amendments at the Lords have to travel back to be approved at the Commons, thus can be overturned.
- 3 - Scrutiny of the executive via select committees.
- 4 - Debates issues of significant national interests.

Comparison between the Commons and Lords

- 1 - Elected versus unelected and mainly appointed.
- 2 - Can reject any legislation versus cannot obstruct measures in manifesto commitments.
- 3 - Can amend legislation versus can only delay for up to a year with no veto power, plus amendments at the Lords must travel back to approval at the Commons.

4 - Government budget requires Commons approval versus no voting on 'money bills' (or a supply bill, those that solely are concerned with taxation or government spending, in contrast to public laws).

5 - Partisan and adversarial versus greater independence from party affiliation and politics.

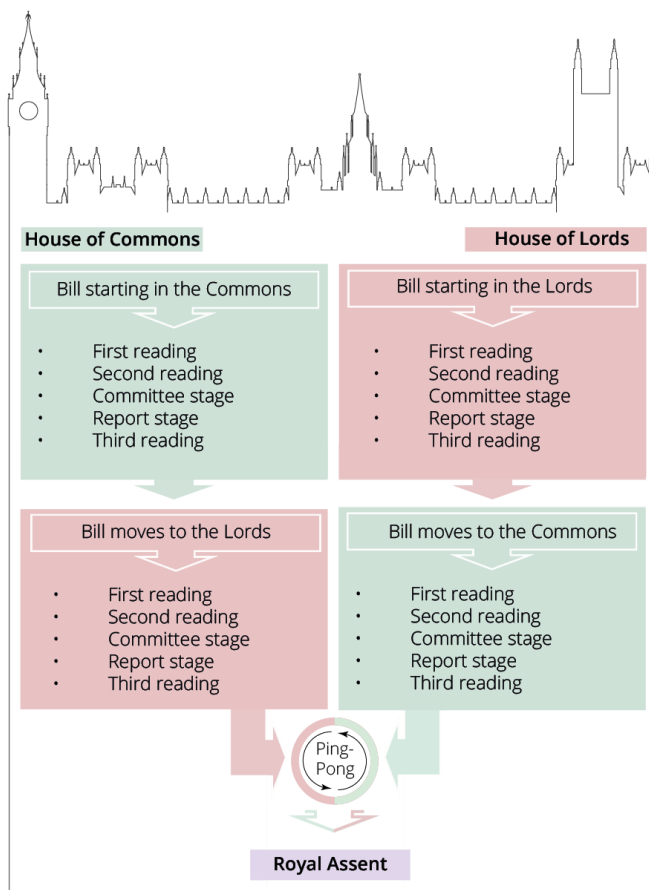
6 - Provides the government with legitimacy and mandate as based on representation versus lack of a democratic mandate.

The legislative process in both chambers

Often the monarch's speech outlines the legislative programme.

In the Lords, the bill goes through the same stages, if no amendments are suggested it goes straight to Royal Assent; otherwise, it goes back to the Commons that can accept the amendment or send it back to the Lords – this kind of 'ping-pong' can last for up to a year.

The monarch signs the bill, the Royal Assent, which then becomes an Act of Parliament and the law.



The Salisbury Convention

- When Attlee became a PM with a Labour landslide (1945), there were only 16 Labour supporting Lords in the House of Lords out of 761 peers.
- Lord Salisbury, a Conservative leader of the Lords, set out the principle that the Lords cannot obstruct measures that are reflected in the government ruling party manifesto.
- It became a convention that is part of the UK constitution.
- This convention was not applied during the 2010-2015 government because it was predicated on a coalition agreement, thus, not on a single party's manifesto.
- Since the Lords reforms 1999 there is a growing debate over the application of the convention to any government: majority, minority or coalition.

Select committees

- Functions in both chambers.
- Their main purpose is to provide the space for scrutiny of the executive and shadow government departments – such as the Education Select Committee.
- Other committees, such as the Public Accounts Committee, scrutinise the overall government business.
- Generally, they reflect the composition of the Commons, thus a majority government is having a majority in the select committees.
- Committee members tend to deepen their knowledge and understanding of specific issues, thereby developing expertise that overall contributes to the quality of the relevant debates.
- Questioning in committees is usually thorough and it is difficult for witnesses to be fully prepared.
- **Effective:** can scrutinise witnesses with forensic questioning, Chairs of committees and longstanding members become experts, and the government must respond to reports.
- **Ineffective:** no legal power of summons, a majority government has a majority in the committee thus it is unlikely to be challenged, and while the government must respond to reports it isn't obliged to act in accordance with the report.

The Opposition

- MPs that are not members of the governing party sit on the opposition benches.
- The '**official opposition**' refers to the second largest party in the Commons.
- The largest of these parties is **Her/His Majesty's Loyal Opposition** that acts as **government-in-waiting** while shadowing the existing government.

- The leader of the Opposition sits opposite the PM with its shadow cabinet and ministers.
- Opposition of a small majority is more influential.

Functions

- Forcing the government to explain and justify its decisions and actions.
- Highlighting shortcomings of the government.
- Offering an alternative.
- Preparing itself to take power in case it wins subsequent elections.
- Setting parliamentary agenda on **supply days** = known as opposition days; these are parliamentary days that are under the control of the opposition party rather than the ruling government.

Ministers' Questions

- Ministers have to come to the Commons, and the Lords, for questioning by backbenchers.
- There are regular times for such questioning to be scheduled, and the Speaker can also grant an Urgent Question for pressing issues of the day where the relevant minister is demanded to attend.
- For ministers' questions, the Secretary of State and a number of junior ministers reply to questioning from both backbenchers and from the opposition spokespeople.
- Backbench MPs though are unable to ask follow-up questions, and written questions rather than oral questions requesting a detailed response are more effective route.

Prime Minister's Questions

- PM's question time is the significant event in the Common's calendar.
- The chamber is usually in full attendance, and the event is broadcast live.
- Backbench MPs can ask one question to the PM.
- Every other speaker is a government MP that usually asks friendly, trivial or 'planted' questions thereby paving the way for the PM to use this time to make an announcement or attack the opposition.
- Opposition leaders get to ask more questions than the backbenchers.
- The Leader of the Official Opposition can build an argument over the 6 questions.
- The PM prepares for the PMQ, is rarely seriously challenged, and therefore it is often regarded to be a time of a 'political theatre'.

The reform of Parliament

The key element of a potential reform of the parliament involves a change in the electoral system to one that is more proportional. It is outlined and examined in electoral systems.

Given the decisive result of the electoral reform in the 2011 referendum, it seems unlikely to materialise any time soon.

Regarding the House of Lords, the key issue focuses on whether members should be elected.

The background

- The first stage of the reform was completed by the Labour government in 1999 by removing most hereditary peers.
- The second stage entails an introduction of an elected element.
- This second stage has failed to materialise because politicians fail to choose between the option of a fully elected chamber (democracy, legitimacy) versus a partially elected one (peers with longstanding expertise).

Arguments against an elected chamber

+The hereditary peers, the most undemocratic elements, have largely been removed.

+The current balance and composition of the chamber with no single party with a majority provides an effective check on the government.

+An elected chamber could lead to a gridlock because Parliament Acts that limit the power of the Lords would become unjustified by being made redundant.

Arguments for an elected chamber

-There are still 92 hereditary peers that remain and vote regularly.

-If the Lords becomes more democratic it may enjoy greater legitimacy in resisting the government rather than being constrained by the Salisbury convention.

-Lack of social diversity and regional imbalance could be effectively addressed by electing the chamber.

-Two elected chambers that challenge the power of one another could prevent excessive power of the executive.