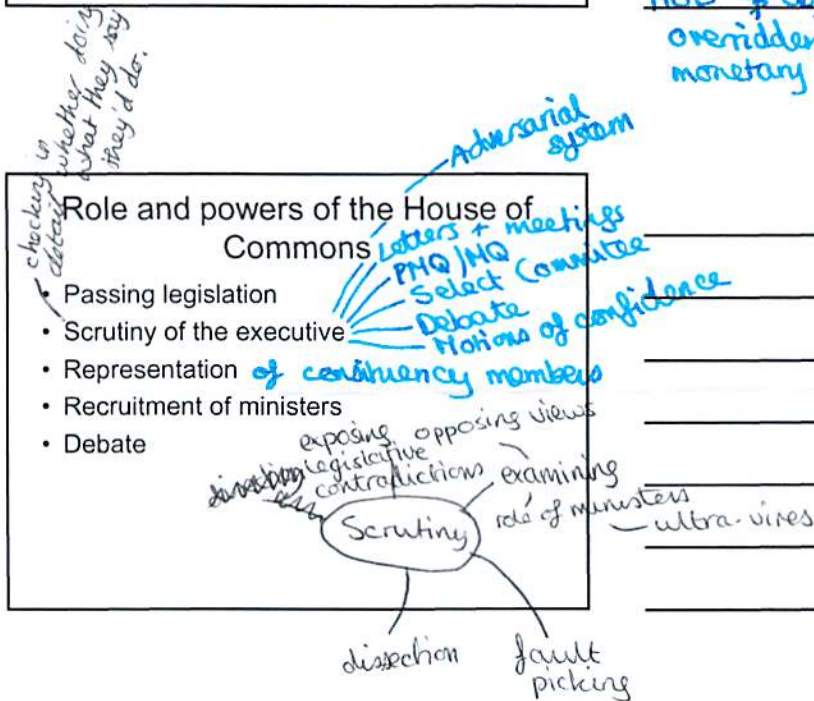


Parliament

Key question: To what extent does Parliament effectively scrutinise the Executive?

stronger the majority govt, big power to PM + executive, so less easy for Parliamentary control.

Had objections to benefit caps overridden by 1949 Act saying no to monetary bills.

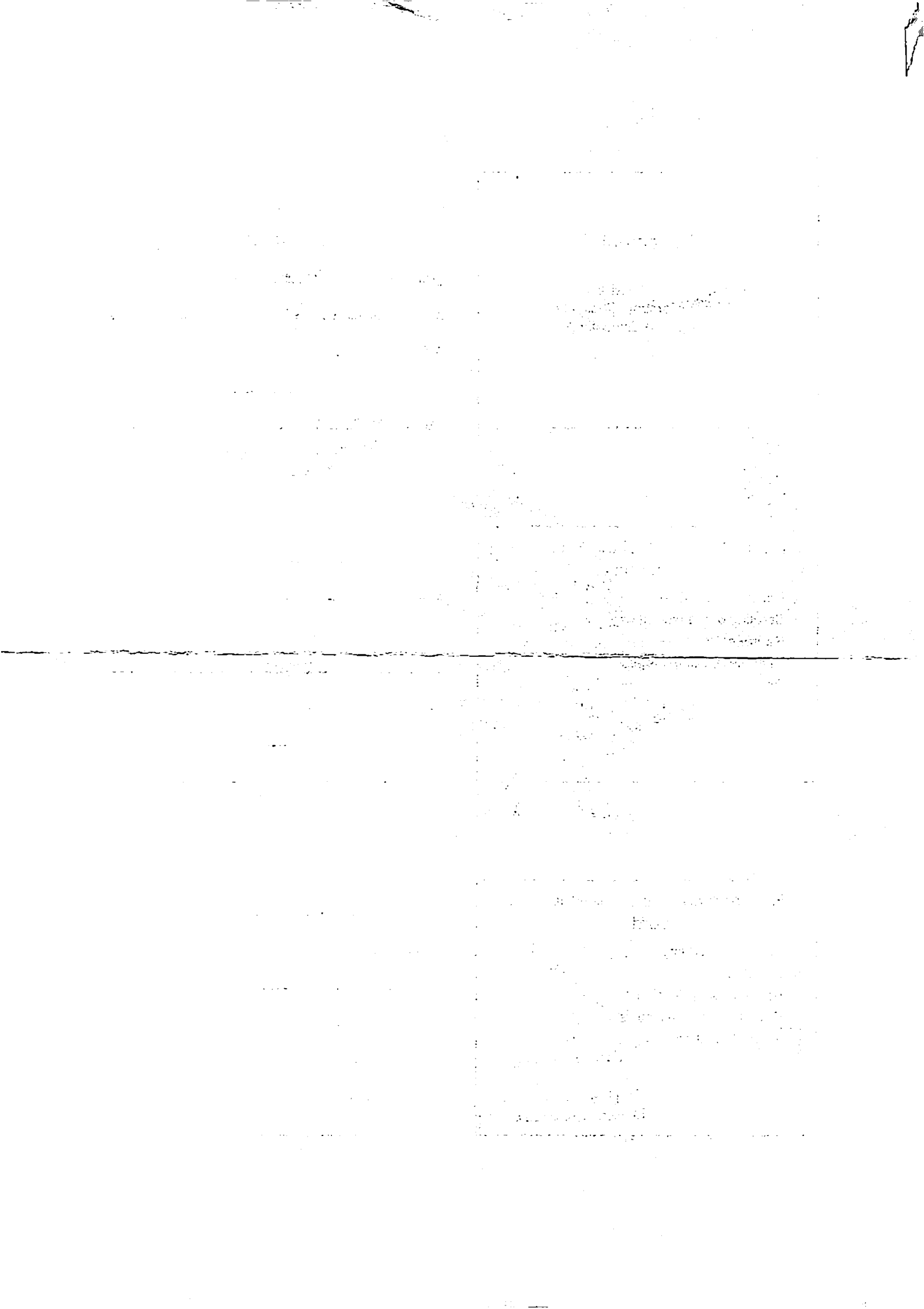


Role and powers of the House of Lords

- Executive scrutiny
- Debates
- Revision of legislation
- Recruitment of ministers
- Judicial function

unselected

Law Lords are in the Supreme Court since October '09



Parliamentary government

(not Presidential government)

- Blurred boundaries between executive and legislative branches: *fusion of powers*
- Product of evolution → "mother of all parliaments"
- Dominance of the Lower House → HOC
- Not Presidential: *separation of powers*
- Parliamentary sovereignty

Not
revolution

quasi-fusion

parliaments

Scrutiny and accountability

- Questions (PMQs and MQs)
- Debates
- Early Day Motions
- Select committees
- Correspondence with ministers
- Ministerial responsibility
- Votes of Confidence

The effectiveness of the House of

Commons

- Executive dominance? → if large majority, then it can be dominant.
- PM dominance?
- Party system?
- Governing party majority and *whipping* → voting allegiance
- Ineffective PMQs / MQs?
- CCR, limiting debate? → low attendance
- Ministerial responsibility: ltd. Resignations → rare?
- Representation?
- Patronage? → honours and prizes; toeing the line

Committees

for party; three line whip...

ineffective scrutinisation - middle class white men not able to scrutinise disability effectively.

lack of checks and balances = efficiency++;

The effectiveness of the House of Lords

- Patronage? → appointed to the Lords by the PM ^{no longer inherited}
- Powers of delay only (and revision)
- Parliament Act 1911/49 "nicking" "money bills" → cannot stop.
- Salisbury Convention → if in party's manifesto and they set law, Lords cannot oppose.
- Traditional (C?) conservative bias?
- Unrepresentative and undemocratic
unaccountable to the people.

Reforming the House of Commons

- Declining public reputation ^{not good}
- PMQs - yoke
- Increased scrutiny between parliamentary sessions
- Shorter summer recess
- Family-friendly hours - women?
- Constitutional reform (Devolution)
- Future: PR? MPs expenses? ^{funding?}

state funded political parties:
Sweden, Germany, Austria, Canada

Reforming the House of Lords

- 1950+ 90% hereditary, 1999 = 92/670
- Labour 1997 manifesto
- Revising Chamber necessary?? Abolition?
(112/178 world parliaments) = no second chamber
- Failure to agree on reform proposals
- Minimal to all elected?
- Length of term?
- Supreme Court (October 2009)

800 new

Parliamentary and presidential systems

A parliamentary system is a system of government in which the ministers of the executive branch are drawn from the legislature and are accountable to that body, such that the executive and legislative branches are intertwined. In such a system, the head of government is both *de facto* chief executive and chief legislator.

Parliamentary systems are characterized by "not having" clear-cut separation of powers between the executive and legislative branches, leading to a different set of checks and balances compared to those found in presidential systems. Parliamentary systems usually have a clear differentiation between the head of government and the head of state, with the head of government being the prime minister or premier, and the head of state often being a figurehead, usually either a president (elected either popularly or by the parliament) or a hereditary monarch (or representative thereof such as a Governor-General), often seen in a constitutional monarchy.

A presidential system is a system of government where an executive branch exists and *presides* (hence the name) separately from the legislature, to which it is not responsible and which cannot, in normal circumstances, dismiss it.

The concept of separate spheres of influence of the executive and legislature is specified in the Constitution of the United States, with the creation of the office of President of the United States elected separately from Congress.

Although not exclusive to republics, and applied in the case of semi-constitutional monarchies where a monarch exercises power (both as head of state and chief of the executive branch of government) alongside a legislature, the term is often associated with republican systems in the Americas.

- The president does not propose bills. However, the president has the power to veto acts of the legislature and, in turn, a supermajority of legislators may act to override the veto. This

practice is derived from the British tradition of royal assent in which an act of parliament cannot come into effect without the assent of the monarch.

- The president has a fixed term of office. Elections are held at scheduled times and cannot be triggered by a vote of confidence or other such parliamentary procedures. In some countries, there is an exception to this rule, which provides for the removal of a president who is found to have broken a law.
- The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. However, presidential systems frequently require legislative approval of presidential nominations to the cabinet as well as various governmental posts such as judges. A president generally has power to direct members of the cabinet, military or any officer or employee of the executive branch, but generally has no power to dismiss or give orders to judges.
- The power to pardon or commute sentences of convicted criminals is often in the hands of the heads of state in governments that separate their legislative and executive branches of government.

Countries that feature a presidential system of government are not the exclusive users of the title of *President* or the republican form of government. For example, a dictator, who may or may not have been popularly or legitimately elected may be and often is called a president. Likewise, many parliamentary democracies are republics and have presidents, but this position is largely ceremonial; notable examples include Germany, India, Ireland, Israel and Portugal (see Parliamentary republic).

Activity:

- ❖ Make three points of comparison between the two systems

→ if country has a President, it doesn't necessarily have a presidential system

IMPORTANT ROLE OF PARLIAMENT - SCRUTINY

The Role of Parliament

Parliament is an essential part of UK politics. Its main roles are:

1. Examining and challenging the work of the government (scrutiny)
2. Debating and passing all laws (legislation)
3. Enabling the government to raise taxes

Checking the work of government

Parliament examines and challenges the work of the government. Both the House of Commons and the House of Lords use similar methods of scrutiny, although the procedures vary. The principal methods are questioning government ministers, debating and the investigative work of committees. The government can publicly respond to explain and justify policies and decisions.

Questions

Questions to government ministers may be answered orally or in writing. Ministers from each government department attend the Commons on a rota basis to answer oral questions. The Prime Minister answers questions every Wednesday. In the Lords, the House questions government ministers at the start of each day's business, but there are no set days for government departments.

Debates

Debates in the Commons look at national and international issues and can be on any subject. Votes are often taken to see whether a majority of Members either support or reject any discussed proposals. In the Lords, one day a week is set aside for general debates and short debates take place on most days (lasting one and a half hours). There are no votes on such debates.

Committees

Committees of smaller groups of MPs and/or Lords look at specific policy issues or legislation in detail. Different committees have different roles ranging from offering advice, to producing reports or altering legislation. Both Houses have permanent and temporary committees. MPs and Lords also work together in Joint Select Committees. The government issues responses to most committee reports.

Question Time

Question Time is an opportunity for MPs and Members of the House of Lords to ask government ministers questions. These questions are asked at the start of business in both chambers and are known as 'oral questions'. The Prime Minister answers questions in the Commons every Wednesday.

House of Commons

Question Time takes place for an hour Monday to Thursday after prayers. Each government department answers questions according to a rota called the Order of Oral Questions. The questions asked must relate to the responsibilities of the government department concerned.

House of Lords

Question Time (Oral Questions) takes place at the beginning of the day's business for up to 30 minutes on Mondays to Thursdays. Lords questions are to the Government as a whole, not to particular government departments (as they are in the Commons).

Notice of questions in the Commons

Commons oral questions are tabled by MPs at least three days in advance of Question Time. The questions are then printed in the Commons Questions Book. The order in which the questions are asked is determined randomly by a computer.

MPs who are called by the Speaker to ask their question do not read it out, but simply call out its number. When the government minister has replied, the MP can ask another question (known as a supplementary) and other MPs may also be called to ask supplementary questions. The Minister must reply to each in turn. Supplementary questions must be on the same subject as the original question.

The last 15 minutes (for those departments with a 60 minute question time) or 10 minutes (for those departments with a 40 minute question time) of question time is reserved for 'topical questions'.

During the 'topical questions' slot, MPs can ask supplementary questions on any subject relating to the department's responsibilities.

Notice of questions in the Lords

Lords Oral Questions can be tabled anywhere between 1 month and 24 hours in advance. The questions are printed in the Lords Order Paper. Slots are reserved for 'topical questions', tabled two days in advance.

Prime Minister's Question Time

The Prime Minister answers questions from MPs in the Commons for half an hour every Wednesday from 12pm.

The session usually starts with a routine question from an MP about the Prime Minister's engagements. This is known as an 'open question' and means that the MP can then ask a supplementary question on any subject.

Following the answer, the MP then raises a particular issue, often one of current political significance. The Leader of the Opposition then follows up on this or another topic. He and the Liberal Democrat leader are the only MPs allowed to come back with further questions.

Most MPs will table the same question about engagements and if they do, only their names will appear on the question book. After the first engagements question has been asked, any other MPs who have tabled the same question are simply called to ask an untabled, supplementary question. This means, in theory, that the Prime Minister will not know what questions will be asked of him. However, the Prime Minister will be extensively briefed by government departments in anticipation of likely subjects he could be asked about.

Legislation

Parliament is responsible for approving new laws (legislation). The government introduces most plans for new laws, or changes to existing laws – but they can originate from an MP, Lord or even a member of the public or private group. Before they can become law, both the House of Commons and House of Lords must debate and vote on the proposals.

Introducing legislation

Bills normally introduce new laws. Bills that deal with more political or controversial issues usually begin in the Commons.

Defeating and delaying legislation

To become law the text of a Bill must be agreed by both Houses. Either House can vote down a Bill in which case it will normally not become law – but there are exceptions. The Commons can pass the same Bill in two successive years, in which case it can become law without the agreement of the Lords. Bills which are only about money (raising taxes or authorising government expenditure) are not opposed in the Lords and may be only be delayed for a month.

Royal Assent

The reigning monarch has to approve all new laws – called the Royal Assent – but this is a formality as in practice it is not withheld. Royal Assent was last withheld in 1708 when Queen Anne refused a Bill to settle the Militia in Scotland. When a Bill is given Royal Assent it becomes an Act of Parliament. It is then the responsibility of the relevant government department to implement that law (eg, the Home Office will deal with new Acts relating to immigration).

Main business (Debates)

The main business in both chambers often takes the form of a debate. This includes debates on legislation, general topics of interest or issues selected by the major parties.

Debates in the Commons - The Speaker

In the Commons, an MP called the 'Speaker' chairs debates and calls MPs in turn to give their opinion on an issue. MPs must get the Speaker's attention (called 'catching the Speaker's eye') and usually stand, or half-rise from their seat to do so. They may also write in advance to indicate their wish to speak, although this gives no guarantee.

MPs address their speeches to the Speaker or their deputy, using notes only. Normally MPs will speak only once in a debate, although they may 'intervene' with a brief comment on another member's speech. MPs who introduced the subject of debate (called 'tabling a motion') have the right to reply to speeches.

Debates in the Lords - The Lord Speaker

The Lord Speaker chairs debates in the House of Lords but does not call it to order (as the Commons Speaker does) because the Lords manage debates themselves. Lords address their speeches to the other Members, not the Lord Speaker. Members normally speak only once, except to give clarification or by special leave.

Divisions

At the end of a debate the Question (ie, the motion which is the subject of the debate) is put to see if Members agree or not. The question may be decided without voting, or by a simple majority vote. Transcripts of debates
Public debates and results of divisions in the chamber and committees of both Houses are published in Hansard.

A debate is a formal discussion on a Bill or topic of interest or importance. A typical debate takes the following form:

1. A Member introduces a subject (known as moving a motion); eg, 'I beg to move, That the Bill be now read a Second time'.
2. The Speaker in the Commons or Lord Speaker in the Lords proposes a question, which repeats the terms of the motion; eg, 'The Question is, That the Bill be now read a second time'.
3. The motion is debated.
4. The original question is repeated and the House comes to a decision – if necessary by means of a vote (division).
5. Members take it in turns to speak on the subject concerned and the discussion is strictly controlled by a set of rules called the 'Standing Orders'.