# **CHAPTER SEVEN**

# **PARLIAMENT**

1. KEY CONCEPTS

*This unit places particular emphasis on the functions of Parliament and how effective they are as well as arguments for reforming Parliament, particularly the House of Lords.*

The UK Parliament is housed in the Palace of Westminster. Within the system of government, Parliament is ***sovereign***. It is ***bicameral*** (comprising two chambers: the House of Commons and the House of Lords). The House of Commons is an elected chamber, currently comprising 650 Members of Parliament (MPs). The House of Lords is unelected and currently comprises 850 Lords (or peers).

**Composition and powers**

There are three key component parts to Parliament: the House of Commons; the House of Lords; and the monarch.

**The House of Commons** is the politically dominant chamber because it is elected. It can make laws, whereas the House of Lords can only revise or delay legislation. The Commons can also remove the government of the day through a vote of no confidence.

The chamber of the Commons is designed like the choir stalls in a cathedral, which means the two main parties face each other across the floor of the House. This arguably promotes eyeball-to-eyeball argument, or ***adversarial politics.*** Many legislative chambers around the world are designed in a horseshoe shape to deliberately avoid such conflict.

MPs serve either as ***backbenchers*** or ***frontbenchers*.** Backbench MPs sit towards the back of the chamber and have no government or shadow cabinet responsibilities. (The shadow cabinet is the Opposition party’s spokespersons who ‘shadow’ or mirror the work of government minsters – see below.) Backbench MPs may be members of parliamentary committees, but their main responsibility is to represent their constituency. Frontbench MPs sit on the benches nearest the dispatch boxes and are members of the government or the shadow cabinet.

**The House of Lords** is a legislative revising chamber made up of experts from many walks of life (science, industry, commerce, the arts, sport, public service, etc). ***Examples*** of peers who have expertise would include Lord Winston, a geneticist who is a Labour peer, Lord Hunt, who has chaired NHS trusts and is a Labour peer, and the Conservative peer, Lord Coe, whose expertise lies with sport. They are appointed by the monarch or the Prime Minister and, once appointed, are able to attend for life. Controversially, they are therefore unelected.

They can delay Bills passed by the Commons for up to one year, but they cannot delay money bills (the Budget) and, because of the Salisbury convention, they cannot block or delay manifesto promises.

The chamber of the Lords is less adversarial and has benches running across the centre of the chamber. On these benches sit the 170 or so **crossbenchers,** peers who have no party allegiance. There are three categories of peers:

***Life Peers:***

These are peers who are entitled to sit in the Lords during their own lifetime, but their titles dies with them. The Life Peerages Act (1958) allowed for their creation. This allowed for ‘experts’ to be brought into the House of Lords, such as Robert Winston, the geneticist, and removed the bias of the hereditary peers. Recently, the ex-Conservative leader William Hague has been made a life peer, as has Lorely Burt, the ex-Liberal Democrat MP for Solihull. They are appointed by the Prime Minister in consultation with the opposition leaders. Since 2000 there have also been ‘people’s peers’ who are nominated by the House of Lords Appointments Commission. The vast majority of peers in the Lords are now life peers.

***Hereditary Peers***

There are peers who hold inherited titles. Tony Blair limited the number of hereditary peers to 92 as a result of the House of Lords Act 1999.

***‘Lords Spiritual’***

These are the 26 bishops and archbishops of the Church of England. (All other peers are classified as ‘Lords Temporal’.) They provide a moral input on debates and are there because the Church of England is the established church in the UK.

**The Monarch**

The monarch interacts with Parliament in the following ways:

* Each parliamentary session is opened by the monarch in ***the State Opening of Parliament***. The Queen reads the ‘Queen’s Speech’ (which is actually written by the government) which outlines government proposals for legislation in the forthcoming parliament.
* At the request of the Prime Minister the Queen dismisses (or dissolves) parliament in order for a general election to be called. **The dissolution of parliament** still formally occurs, even those each Parliament is now fixed to a 5 year term.
* The Queen formally gives ***Royal Assent*** (signs) Bills that have been passed by Parliament. The Bill then becomes an Act of Parliament or the law of the land.
* The Queen formally ***appoints a government*** once the result of a general election is clear.

**2. The Functions of Parliament**

**Parliament fulfils 6 key functions:**

* Representation of the people
* Making laws (legislation)
* Scrutinising the work of government (the executive)
* Deliberation (discussing important issues of the day)
* Legitimising government (by approving its policies)
* Recruiting ministers and secretaries of state.

**Representation**

Parliament exists to represent the will of the people, originally to the monarch. Today it fulfils this function through the work of MPs, who represent their constituencies. They are chosen to do this either through a general election or through a by election. The ***delegate model*** (see below) argues that it is an MPs job effectively to act as a mouthpiece for their constituents, in other words to reflect their views in Parliament. As far as possible, MPs should reflect the views of the majority of their constituencies, regardless of who their constituents voted for.

There is room for debate about how representative Parliament genuinely is. On many issues, MPs can be seen to support their party rather than their constituency (the ***mandate model***), although some MPs take the role of being a constituency representative very seriously. In the 2010-2015 Parliament, the Conservative MP Peter Bone **rebelled** against his party over 150 times, voting against the government. He did this because he believed he was representing his constituents’ views, rather than the party line. In 2013 many Conservative MPs voted against same sex marriage because they believed it was not what the majority of their constituents wanted.

***Rebellions***While the number of independent MPs is small there are an increasing number of MPs who ignore the party whips and vote according to their conscience. Amongst Labour MPs Jeremy Corbyn , MP for Islington North and current leaser of the Labour Party, regularly voted against his party on issues where he disagreed with the official party line. Conservative backbench MP for Richmond, Zac Goldsmith, threatened to resign and force a by-election if the prime minister went back on his pledge and supported the expansion of Heathrow airport. This shows that there are MPs who are prepared to follow their personal judgement rather than follow their party even if this means sacrificing personal advancement. Much depends on the level of personal ambition of individual MPs, not all are so keen to give up the prospect of ministerial office.

Opportunities for representation occur through debates, votes, membership of committees, Private Members Bills (see below) and parliamentary questions (including Prime Minister’s Question Time).

The debate about how representative parliament really is extends to the House of Lords and to arguments about ***descriptive representation*** (the extent to which an institution mirrors society in its composition). The House of Lords is unelected and therefore cannot claim to be truly representative (although some may argue that it represents sectional interests in society, such as science, industry, commerce, the arts and sport).

The extent to which the House of Commons demonstrates descriptive representation among its 650 MPs is limited.

* There are now 191 women MPs, or 29% (in the last Parliament it was 22%);
* The average age of an MP is 50. Gerald Kaufman (Labour) is the oldest at 84 and Mhairi Black (SNP) is the youngest at 20.
* 41 MPs define themselves as being from ethnic minorities. This is 6% and below the previous parliament or the 9% background population of the UK.
* 32 MPs describe themselves as gay.
* Over 4/5 of MPs are from a business background and over 2/3 went to university, with almost 1/3 attending public schools.
* The average salary of an MP is £74,000, well above the national average of £26,000.

In the House of Lords out of approximately 800 peers:

* The number of women peers is 193 (July 2015) or 23%.
* The average ago of a peer is 70. The oldest peer is Lord Healey, aged 97. The youngest peer is Lord Wei, aged 38.
* There are 60 peers who describe themselves as being from ethnic minorities (or 7%).
* Only 2 members of the House of Lords are openly gay.
* Members of the House of Lords do not receive a salary, but can claim a £300 per day attendance allowance (expenses) if they attend a sitting.

However, there is an argument that it is not necessary to belong to a particular group to represent it. For many years one of the greatest champions of the fight against poverty in the USA was Senator Ted Kennedy, who was extremely rich.

***Attempts to improve diversity among MPs***

Tony Blair tried to increase the representation of women in Parliament by creating all-women shortlists for parliamentary candidates in some constituencies. The 1992 general election saw only 60 women MPs elected. Blair’s initiative helped double this number to 120. Among these were 101 women Labour MPs who became dubbed ‘Blair’s Babes’ by the media. The Labour party continues to use some women-only shortlists.

David Cameron has introduced priority lists (the A list) in an attempt to increase the representation of women and ethnic minorities in Parliament. This initiative placed candidates in more ‘winnable’ seats (although there were no guarantees of success). Constituency associations are now required to include women on their shortlists.

**Legislation**

One of the key functions of Parliament is to legislate, or pass laws. Laws govern the lives of ordinary citizens. For example, what can and can’t be taught in schools is determined by various Education Acts. Laws establish whether you should pay fees at university, whether you can claim benefits, whether you can drive, what taxes you should pay, etc. The process of passing legislation involves Parliament scrutinising and approving (or rejecting) government policy.

Bills are draft legislation which is mostly prepared by government. They are a proposal for a new law or for changes in the existing law. Some Bills (Private Bills) can be submitted by organisations such as local authorities; other Bills (Private Members Bills) can be submitted by individual MPs; but the vast majority of Bills that are debated in Parliament are Public Bills put forward by the government of the day.

**The stages of a Bill:**

A Bill sometimes begins its life as a Green Paper (a consultation document) which is circulated to all interested bodies (pressure groups, businesses, etc); it then becomes a White Paper (a proposal) and a Draft Bill, before arriving in the House of Commons.

However, increasingly Bills are instead examined by Select Committees of MPs who call on expert witnesses to provide opinions on the likely effects of the Bill. This process is known as **pre-legislative scrutiny**.

Most Bills begin their passage through Parliament in the House of Commons. However, because of the pressures of time and workload on the House of Commons, about 20% of Bills (usually non-controversial or technical Bills) start their life in the House of Lords.

**First Reading**

This is simply an announcement of the intention to introduce the Bill without any debate

**Second Reading**

This is the major opportunity for debate on a Bill. The principle of the Bill is argued and amendments can be proposed and voted on. If the Bill passes this stage it goes to:

**Committee Stage**

In this stage **Public Bill Committees** (they used to be called Standing Committees until 2006) scrutinise the Bill clause by clause and propose amendments. This process is designed to ensure that the Bill being discussed can actually be implemented effectively once it becomes law. A new Public Bill Committee is established for each Bill. Membership of the committee is between 16 – 50 MPs and reflects party strength in the House. Evidence from outside experts can be taken. Current Public Bill Committees include the Education and Adoption Committee and the Welfare Reform Committee.

**Report Stage**

This involves amended Bill being considered by the whole House and a vote to accept or reject the amendments to the Bill.

**Third Reading**

This can either immediately follow the Report Stage or happen at a later date. No amendments can be made in this debate and a vote is taken. If the Bill is successful it goes to the House of Lords and the process is repeated.

**The ‘Other Place’**

The House of Lords is never referred to by name in the Commons. It is known as ‘The Other Place’. This symbolises the fact that the Commons do not wish to recognise the ennobled title of the other chamber or appear deferential.

A key difference in the House of Lords is that the whole House meets at the Committee Stage.

**Royal Assent**

If a Bill passes this process in the Lords it is then sent for Royal Assent by the Queen. If the Bill does not successfully through the House of Lords it is returned to the House of Commons and he process begins again until either both Houses agree on the wording or the Bill is defeated. This process of sending a Bill back and forth between the two Houses is known as **‘ping-pong’**.

***The effectiveness of parliament as a legislature has been questioned because:***

* Party control in the House of Commons through the **‘Whips System’** (see below) means that legislation is rarely defeated.
* Most Bills originate from the government and very few MPs have the opportunity to initiate legislation through **Private Members Bills** (see below).
* The Lords is limited in its role and is really only a **‘revising chamber’**, improving Bills submitted by the Common.

**Scrutiny/Accountability**

Parliament has an important function in checking or scrutinising the work of government (acting as a ‘watchdog’). There are several ways in which this happens:

**Parliamentary Questions**

While many people know about the weekly theatre that is ***Prime Minister’s Question Time*** (or PMQ) parliamentary questions also include ***Ministerial Questions*** and ***written questions***.

**Prime Minister’s Questions**

Prime Ministers Questions occurs on Wednesdays for half an hour. MPs have an opportunity to ask the Prime Minister about government policy or about matters of concern to their constituents. The Leader of the Opposition usually has the opportunity to ask six questions. MPs may ask the Prime Minister to list his engagements for the day, then follow with a ‘hidden’ supplementary question. However, since its creation in 1961 by Harold Macmillan PMQs has been criticised as ineffective. Increasingly the party whips supply MPs with questions to ask in order to press home party political point scoring. The effect of this occasion is more to bolster party morale in parliament and to provide TV soundbites than to properly provide scrutiny of the government.

**Ministerial Questions**

Once a week, in rotation, government ministers face questions from MPs about the work of their departments.

**Written Questions**

Unseen in the glare of the spotlights and cameras, written questions by MPs to ministers are probably more effective than oral questions. They can elicit a more detailed response. Many constituents’ queries are raised in this way. Ministers have 60 days to respond to letters from MPs.

**Liaison Select Committee**

More effective than PMQs in holding the Prime Minister to account are the meetings of the Parliamentary Liaison Committee with the Prime Minister which were introduced under Tony Blair in 2002. This select committee comprises the chairs of the other ***select committees*** (see below) and meets with the Prime Minister three times a year to question him in depth about public policy. The meetings last about 90 minutes.

Since 2010 the chairs of departmental select committees are elected by the whole House of Commons, rather than being appointed by party leaders. This adds legitimacy to the Liaison Select Committees role in questioning the Prime Minister.

**Adjournment Debates**

MPs can also question ministers in half-hour debates at the end of the Parliamentary day (10:00-10-30pm). These are known as Adjournment Debates.

**The Opposition**

The second largest party in the House of Commons forms ‘Her Majesty’s Loyal Opposition’. Its job is threefold:

* To hold the government of the day to account by scrutinising the work of government.
* To put forward alternative policies to the government.
* To act as a ‘government in waiting’, ready to hold office should they win an election.

In order to perform these tasks, the Opposition assembles a ‘Shadow Cabinet’, a team of spokespersons who mirror the government’s Cabinet it areas of responsibility. For example, there will be a Shadow Education Secretary (Tristram Hunt), a Shadow Chancellor (Chris Leslie), a Shadow Defence Secretary (Vernon Coaker), etc. This team prepares an alternative programme for government and studies in detail the departmental topics for which each member is responsible. In the event of an election many (but not all) of this team will simply take up their roles in government.

In scrutinising the work of government and holding governments to account the Opposition has two key opportunities:

* As we have seen, the leader of the Opposition has the opportunity to ask six questions in PMQs (either as a block of six or as two blocks of three).
* Each year there are 20 Opposition Days (also known as ‘supply days’) in Parliament in which the Opposition can set the agenda and decide which issues they would like to debate.

However, the Opposition does not always *oppose* the government. Occasionally they might support the government. This is because they want to appear *responsible* and not always driven to political point-scoring. Typically in times of national crisis the Opposition will support the government. Thus, when the Labour government took Britain to war with Iraq the Conservative opposition supported them; and when David Cameron became leader of the Conservative Party in 2006 he promised to end “Punch and Judy politics” and to lead a constructive opposition. More recently, in 2015, the acting leader of the Labour Party, Harriet Harman, refused to oppose the Conservative government’s welfare reforms, believing they were largely popular with the electorate, much to the disappointment of those on the left of her party.

**Select Committees**

These are investigative committees made up of and chaired by ***backbench*** MPs. They comprise 11 MPs and their composition reflects the strength of each party in the House.

There are two types of select committee:

* Departmental
* Non-departmental

There are 19 ***departmental select committees*** (which shadow the work of particular departments, such as the Education Select Committee). They examine the administration, spending and policies of the departments to which they are assigned.

In addition there are ***non-departmental select committees*** (16 in the Commons; 14 in the Lords) which consider a wide range of issues. ***Examples*** include the Public Accounts Committee (PAC) which looks at spending across all government departments to ensure value for money; the Liaison Committee, which cross-examines the Prime Minister three times a year; the Modernisation Committee, which recommends changes in parliamentary practices and procedures; and, in the Lords, the European Union Committee, which considers new EU legislation and advises on UK compliance.

**The House of Lords**

Although unelected, the House of Lords often provides critical scrutiny to governments (as the Commons is almost always dominated by a government majority). In providing scrutiny, the Lords expertise to the process. They take seriously their role in protecting civil liberties. As we noted in Chapter Six:

* In 2008 Gordon Brown sought to extend detention without trial to ***42 days****.* He was defeated in the House of Lords.
* The introduction of **ID cards** was proposed by New Labour whilst in government, but was eventually defeated in the Lords in 2010.
* The Lords also defeated a government proposal to keep the **DNA** of innocent people on the National DNA Database in 2008.

During the ten years of the Blair governments (1997-2007) the Lords blocked government proposals no less than 383 times.

More recently, in 2011 the House of Lords mounted a three day **filibuster** to block clauses in Iain Duncan Smith’s proposed welfare reforms.

**Filibuster:** is a parliamentary procedure to ‘talk out’ a Bill. Every Bill has only a limited time by which it must be passed. Those opposing the Bill can keep talking so that there is no time to vote on the Bill. They are particularly effective where there is a **guillotine motion** on a Bill, which limits the time that Parliament can spend on the Bill.

However, the Parliament Act limits the power of the Lords and stops them blocking the passage of a Bill, allowing only for delay. The Parliament act is rarely used. It was used in 2004 to force through the Bill banning fox hunting.

***The effectiveness of parliament in providing effective scrutiny and accountability of government has been questioned because:***

* The government usually has a majority of MPs in the Commons and on parliamentary committees. They tend to support the government, rather than criticise it.
* Question Time is often weak and rarely produces probing questions or detailed answers. Questions are regularly ‘planted’ by the party whips.
* The whips influence appointments to select and public bill committees.
* Select committees can only criticise the government and make recommendations, but they cannot enforce their recommendations.

**Debates**

Parliament debates or deliberates upon important matters of the time. Debates in the House of Lords, where there is less party political point scoring and greater expertise, are often considered to be of higher quality than those in the House of Commons. ***Too often debates in the Commons descend into noisy adversarial politics.*** However, sometimes the Commons can produce a high quality debate. The debate on whether Britain should go to war with Iraq is widely regarded as one such debate.

Adjournment debates offer opportunities for MPs to debate with government ministers.

**Legitimacy**

In approving government legislation, Parliament effectively provides legitimacy to the government’s programme. As representatives of the public, MPs vote to support or reject new laws and therefore Parliament arguably provides public approval for government policies. This assumes that there is proper debate and scrutiny in Parliament.

***However, the effectiveness of Parliament in providing legitimacy for government can be undermined by the following factors:***

* The House of Lords is unelected and therefore undemocratic
* The party whips ensure party discipline and MPs do not always vote according to their conscience
* The quality of debate in the House of Commons is sometimes criticised.

**Recruitment of Ministers**

The last function of Parliament is to provide a channel for recruiting MPs and members of the House of Lords to government positions. Backbench MPs who demonstrate loyalty to the governing party and good communication skills in the Commons may find themselves promoted to ministerial positions through Prime Ministerial **patronage**. MPs who rebel against the government are less likely to be offered promotion to the **‘frontbench’**.

**Patronage**

This is the power of the Prime Minister to appoint ministers. This is part of Royal Prerogative powers.

***Criticism of Parliament as a ministerial recruiting ground is twofold:***

* The pool of talent is narrowly drawn mostly from the majority party in the House of Commons and fewer ministers have experience of careers outside politics.
* MPs who perform well in parliamentary debates may not have the skills needed to run a government department.

3. PARLIAMENTARY OFFICIALS:

**The Speaker**

The Speaker presides over the meetings of the House of Commons, maintaining order and choosing who should speak. MPs can be temporarily suspended from the chamber by the Speaker if they break parliamentary rules. The Speaker elected by secret ballot, so the candidate must be someone acceptable to all parties (so usually a moderate MP). Once elected, the Speaker does not show any party affiliation, remaining a neutral umpire over the proceedings. He or she must stand down at a general election, but is normally re-elected at the start of each Parliament. The Speaker does vote unless there is a tie, in which case he or she has a casting vote. The job comes with accommodation: the Speaker has an apartment in the Palace of Westminster (Parliament). The current Speaker, John Bercow, is eager to modernise Parliament and to update procedures in the House of Commons. His equivalent in the House of Lords is the Lord Speaker, currently Baroness D’Souza. So far there has only been one female Speaker of the House of Commons: Betty Boothroyd.

**The Whips**

Each party has a Whips Office in Parliament. These are MPs who control party discipline and try to ensure that their MPs vote the way the part leadership would prefer them to. Larger parties have a ***Chief Whip*** supported by ***junior whips.*** The current Conservative Chief Whip is Mark Harper.

At the start of each parliamentary day MPs collect their order papers. These detail what is to be discussed and voted on during the day. The Whips indicate the importance of each vote by underlining the relevant passages on the order papers. A ***three line whip*** is an instruction that an MP must attend the vote; a ***two line whip*** suggests the party would prefer the MP to attend the vote; and a ***one line whip*** means attendance at the vote is not mandatory. These are called whipped votes. Sometimes, particularly on moral issues, MPs are allowed ***free votes***, so that they can vote according to their conscience. The vote on the Same Sex Marriage Bill was a free vote.

MPs who repeatedly defy the whips can have the ***‘whip withdrawn’***. This means that they are expelled from the party and are no longer able to enjoy the support of their constituency office. They effectively become an independent MP. At the next election they would be forced to stand against an official candidate from the party and are therefore likely to lose their seat.

**The Serjeant at Arms**

The Serjeant at Arms is responsible for security and maintain order in the House of Commons. He or she can be called upon to remove an MP from the chamber if they have broken parliamentary rules and refuse to leave voluntarily. They are assisted by and manage the doorkeepers. The Serjeant at Arms is the only parliamentary official who carries a ceremonial sword.

**The Doorkeepers**

The doorkeepers are usually ex-servicemen who act as messengers within Parliament and help the Serjeant at Arms to maintain security in the palace.

4. THE WORK OF AN MP

It is often considered that the job of an MP is to represent their constituency. However, there are three models which describe the work of an MP.

**The Delegate Model**

This model proposes that the primary job of an MP is to represent his or her constituents and to act as a ***‘mouthpiece’*** for them. Some MPs certainly believe this is their most significant role. Between 2010 and 2015 the rebel Conservative MP Peter Bone voted against his party over 150 times, defying the whips, because he believed he was reflecting the views of his constituents. An example of an MP was representing a constituent is the case of the Labour MP Steve Rotheram who supported a constituent in her campaign to change the law on tyre safety. He put forward a ’10 Minute Rule Bill’ (a 10 minute debate on a topic) on tyre safety in Parliament. He also took her campaign to the European Union, meeting with MEPs and European Union officials.

John McDonnell, the current Shadow Chancellor, was active in supporting his constituents protesting over the proposal for a third runway at Heathrow. He was suspended from the House for five days by the Speaker after picking up the mace and depositing it on an empty seat, shouting that the lack of vote on a third runway were “a disgrace to democracy”.

The problem with the delegate model is that constituents have conflicting views and therefore an MP cannot reflect all the views of their constituents. This is particularly true of constituents who voted for a different party at the general election.

**The Mandate Model**

This model suggests that in reality an MP represents their party first and foremost. They are elected on a ***manifesto*** and therefore have a ***mandate,*** even a moral obligation, to implement the legislation proposed in the mandate. This model is a result of the ***whips system,*** where MPs are often directed to vote in accordance with the wishes of senior party officials. Occasionally this might conflict with the MPs perception of the views of their constituents. On some issues, MPs might rebel. John Major faced rebellion from those opposed to the Maastricht Treaty, nicknamed ‘Major’s Whipless Wonders’ by the press, and Clare Short resigned her post in Blair’s Labour Cabinet in order to vote ageist the war in Iraq.

**The Trustee or Burkean Model**

This model, first proposed by the Conservative philosopher Edmund Burke, suggests that it is job of an MP to act in the ***national interest.*** This might conflict with the views of constituents, or even of the party. For example, polls suggest that a majority of citizens might support the return of the death penalty (capital punishment) for very serious crimes, such as rape and murder. However, MPs have repeatedly resisted debating this in Parliament because they feel it is not in the national interest. Similarly, in the vote on the Iraq war, many MPs knew their constituents were unhappy, but felt it was in the national interest to go to war. Acting in the ‘national interest’ suggests that MPs have a wider perspective and a higher moral authority than most ordinary citizens and runs against populism (supporting simplistic policies because they are seen to be popular) or ‘mob rule’. Burke said, “Your representative owes you not his industry only, but his judgement, and he betrays you if he sacrifices it to your opinion.”

In truth, no MP adheres to one of these models. They make judgements and shift between the models based on the circumstances of the time and the varying demands made upon them.

5. THEORIES OF PARLIAMENTARY POWER

There are also models to describe the theories of Parliamentary power:

**The Westminster Model**

This suggests that Parliament is central to our system of government. It delivers ***representative*** and ***responsible*** government. It is able to significantly influence government policy. This model particularly applied during the ***Golden Age of Parliament*** in the mid-nineteenth century when every government fell because of a vote in Parliament. Effectively, Parliament was stronger than the executive and able to scrutinise the executive more effectively.

**The Whitehall Model**

This suggests that power has shifted from Parliament to the executive. It is supported by Lord Hailsham’s idea of an ***elective dictatorship*** and by the twentieth century developments of ***Cabinet government*** (governments dominated by the Cabinet, not by Parliament) and later ***Prime Ministerial government*** (see Chapter 8)

**The transformative Model**

This suggests that parliament is weaker as a legislative and scrutinising chamber. It can no longer make policy, but can only transform (or amend) policy by reacting to government initiatives. This view of parliament is now commonly accepted.

6. REFORM OF PARLIAMENT

Significant events in the reform of Parliament include the following:

1911 Parliament Act: This prevented the House of Lords from blocking legislation and reduced their powers to revising and delaying legislation. They were allowed to delay a Bill for up to two years. The power of delay did not include ‘money bills’, so the Lords are required to accept the budget.

1945 Salisbury Convention: this was a self-imposed limitation on the power of the Lords. It says that the Lords will approve all Bills based on a manifesto promise without delay.

* 1949 Parliament Act: This reduced the Lords power of delay of a Bill to one year. The Parliament act is rarely used. It was used in 2004 to force through the Bill banning fox hunting.

1958 Life Peerages Act: This allowed for the creation of ‘Life Peers’ (peers who are appointed for the remainder of their lifetime, but whose title is not passes to their son or daughter and effectively dies with them). William Hague and Lorely Burt are now life peers. It allowed for expertise from many walks of life to be brought into the chamber.

1963 Peerages Act: This allowed for hereditary peers (Lords and Baronesses) to renounce (give up) their title in order to become ordinary citizens (commoners) again. Famously, this provided an opportunity for the hereditary peer Lord Stansgate his title so that he could once again sit in the House of Commons. Tony Benn, as he became known, went on to become a prominent figure on the left of the Labour Party.

In 1997 Blair changed PMQs from two 15 minute sessions (on Tuesday’s and Thursdays) to one half hour session each week. This ‘freed up’ the Prime Minister’s diary. Critics argued that it effectively reduced the ability of Parliament to question the PM.

Blair also introduced pre-legislative scrutiny, involving select committees in considering legislation before it reached the floor of the House. This was intended to improve the quality of legislation and to improve the likelihood of Bills being passed in Parliament.

A further move introduced by the Blair government was the carry-over of legislation. Bills which do not get through the legislative process in one parliamentary session can complete to process in the next session, providing they pass in one calendar year.

1999 House of Lords Act: This was Blair’s planned first stage in the reform of the House of Lords, reducing the number of hereditary peers to 92. The second phase, the creation of a second elected chamber, to be called the Senate, never occurred. Blair was keen to push for reform of the Lords and fulfil a 1997 manifesto promise. This was because when New Labour was returned to office, in 1997, the upper chamber it faced, unlike the one it faced when it was last in government in the 1970s, had an inbuilt Tory majority, with 471 Conservative peers to Labour’s 179. Many of the members were hereditary peers (over 750 of the then 1,300 Lords). In the 2007 White Paper, Gordon Brown hoped to complete Blair’s reform project. He proposed a second elected chamber, but with the Commons retaining supremacy. Members of the second chamber (or ‘Senate’) were to be elected for only one term, so that they did not bow to populist public pressure. But, faced with other priorities, his proposals were never put forward as a Bill.

In 2002 Blair introduced the practice that the Prime Minister should face questions from the Parliamentary Liaison Committee. Originally this was a twice yearly event, but more recently has become a three yearly event. This is a more effective way of providing scrutiny of the executive than PMQs.

The Freedom of Information Act (2000) had the effect of giving MPs easier access to information about government departments so that they could better scrutinise the work of government.

2005 Constitutional Reform Act: This further enhanced the separation of powers in the UK by removing the 12 Law Lords and creating a separate Supreme Court, which came into being in 2009.

2010 Coalition proposals for Lords Reform: These proposals were not supported by backbench Conservative MPs and so were never presented as a Bill to Parliament. They shared many of the ideas of Tony Blair’s and Gordon Brown’s proposals. They included a second elected chamber, a Senate, to be phased in over three successive elections. The chamber would be smaller in number than the current Lords, with 450 Senators. Each would have a term limit of 15 years. They would be drawn from a variety of backgrounds, representing different sectors of the economy and society in much the same way as, arguably, the House of Lords does now. The proposals have been shelved.

The current Speaker, John Bercow, has also introduced reforms to Parliament. A great believer in Parliament’s role in scrutinising the executive, he has provided more opportunities for backbench MPs to question ministers. He has also created more opportunities for shorter, topical debates and wants to improve the opportunities for Private Members Bills.

7. DEBATE**: Should the House of Lords be abolished or reformed?**

No party has suggested the abolition of the House of Lords. This would produce a ***unicameral*** legislature in which the party with the largest majority in the chamber would be able to act unchecked by a second chamber. There are examples of unicameral parliaments in the world, the Knesset in Israel is one, but these are rare. A second chamber (whether it is elected or unelected) provides ***checks and balances*** on the first chamber and arguably helps prevent an ***elective dictatorship***. The House of Lords, though its powers are limited to delaying and revising legislation, still provides a useful check on a House of Commons which can be dominated by the executive (the government). So, complete abolition does not appear desirable.

***Should the House of Lords be reformed?***

***‘Yes’ it should:***

* The House of Lords is unelected. This is archaic (out of date) and inappropriate in a modern democratic state.
* The House of Lords is unrepresentative. As we have seen, the average age of peers is 70. Most of them live close to London. They are arguably ‘out of touch’ with the majority of citizens.
* A second elected chamber would have democratic legitimacy and would allow for wider representation.
* Only a second elected chamber could provide proper checks and balances on the House of Commons. The current chamber is limited in this role because it is unelected.

***‘No’ it shouldn’t:***

* Having a second elected chamber could pose two significant problems:

***Gridlock.*** An elected House of Commons which is, say, Conservative controlled might face an elected second chamber which is Labour controlled. As both chambers are democratically elected and both therefore have legitimacy, neither need ‘give way’ over disagreements about legislation. Bills would rarely be passed and the system would grind to a halt. This happens in the US Congress where the two co-equal elected chambers might be controlled by different parties.

***Government tyranny.*** Equally, if both houses were controlled by the *same* party there would be nothing to stop the government from passing whatever laws it liked. The second chamber would cease to provide any effective scrutiny of government.

* The current House of Lords works well in lending expertise to the legislative process and to debates. As John Major once said: “If it ain’t broke, don’t fix it.”
* The two chambers currently complement each other. One initiates most of the legislation, the second revises it.
* The Parliament Act currently limits the power of the Lords and stops them blocking the passage of a Bill, allowing only for delay. The Parliament act is rarely used. It was used in 2004 to force through the Bill banning fox hunting.

*PAST QUESTIONS: GOOD EXAMPLES*

*'The principal role of back bench MPs in the House of Commons is to support their parties, not to exercise their personal judgements or air their consciences.' Discuss. (25 marks)*

While some would argue that backbench MPs are simply lobby fodder this is not necessarily so, in recent years back benchers have become far more rebellious and it can be argued that their chief responsibility is to represent those who have elected them, their constituents. There are also an increasing number of cases of MPs choosing to exercise their consciences rather than simply towing the party line.

MPs are elected by their constituents and based on the delegate model they should represent the interests of their constituency. While the number of independent MPs is small there are an increasing number of MPs who ignore the party whips and vote according to their conscience. Amongst Labour MPs Jeremy Corbyn, MP for Islington North, regularly votes against his party on issues where he disagrees with the official party line. Meanwhile Conservative backbench MP for Richmond, Zac Goldsmith, has threatened to resign and force a by-election if the prime minister goes back on his pledge and supports the expansion of Heathrow airport. This seems to show that there are MPs who are prepared to follow their personal judgement rather than follow their party even if this means sacrificing personal advancement. Obviously much depends on the level of personal ambition of individual MPs, not all are so keen to give up the prospect of ministerial office.

There has also been a significant increase in the number of backbench rebellions. Depending on the size of the government's majority a backbench rebellion can cause serious embarrassment or delay to the passing of legislation. An obvious example occurred in 2003 when 138 backbench Labour MPs voted against the decision to go to war with Iraq. The government only achieved a majority in the Commons with the support of the main opposition party. These backbench Labour MPs clearly chose to air their consciences rather than support their party. Some would argue that on occasions it might be better to support the party in order to present a united front; as it is often argued that disunity is viewed negatively by the general public.

While MPs have a responsibility to their constituency more often than not they have been chosen because of the party they represent. While some MPs may think that they have large personal followings in most cases it's the party label that counts. As a result constituents may well feel that they have given their vote to a party and the MP has no right to ignore policies that might have formed part of the party's manifesto.

To conclude while many feel that MPs first loyalty is to their party, enforced via the whip system, the reality is that MPs of all parties are becoming increasingly independent and are choosing more and more to 'air their consciences'.