Zig Zag Education

Politics AS and A Level | Edexcel | 8PL0/9PL0

2017 specification
first exams in 2019 (2018 for AS)

Course Companion for A Level Edexcel

Component 2: UK Government

The Constitution

2026 Edition

zigzageducation.co.uk

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Contents

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- Gordon Brown portrait
- Arlene Foster and Theresa May
- Theresa May portrait

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- Basic mock-up of the 'New Labour, New [Life for] Britain' logo that was used by the British Labour Party, by Peerybingle
- Liberal Democrats' bird icon, by Raheemsti81

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- Map of directly elected mayors in Great Britain, courtesy of MrPenguin20

Teacher's Introduction

> **Remember!**
> Always check the exam board website for new information, including changes to the specification and sample assessment material.

This pack is designed to provide students with a comprehensive educational resource on the UK Constitution for AS and A Level Edexcel.

Understanding the constitution is essential for learning about politics in the United Kingdom. The debates surrounding the effectiveness of constitutional reform, the possibility of extended devolution and the case for codification of the constitution are significant debates arising from this topic that students will become familiar with in this course companion. This pack will give vital context to the rest of the students' learning about British politics. Students will be introduced to the concept of the constitution and how it applies in the United Kingdom today, as well as how it has developed over time.

The constitution module in the 2017 Edexcel specification covers four main topics: the nature and sources of the UK constitution, how the constitution has changed since 1997, the role and powers of the devolved bodies in the UK (and the impact of this devolution on the UK), and debates on further reform. The idea of this pack is to give students a basic understanding of what the constitution means in the United Kingdom. The course companion is as comprehensive as possible, and covers key political developments up to and including the June 2017 general election.

This pack has been designed either to be worked through in order, or to be dipped in and out of to support your own lesson structures. Please use it in whichever way you prefer. The talking points and activities provided are designed to engage students while provoking the critical thought and analysis that will be required in the exam.

Each chapter contains:

- a brief overview and learning objectives for the chapter
- a list of key terms and key words
- students' notes and analysis of the key events
- 'talking point' questions designed to encourage discussion in class and develop key analysis skills

Second edition, April 2020

The second edition of this course companion has been updated to reflect recent developments, contemporary debates and new political contexts that have emerged since its initial publication. In relation to The Constitution, this includes (but is not limited to) political developments since the 2017 general election, the evolution of policy commitments, progression in the ongoing process of devolution, and changes in the positions of prominent political figures.

Third edition, October 2022

The third edition of this course companion has been further updated to include recent developments such as the political context since the 2019 general election, the changing nature of devolution settlements and devolved election results, recent examples of success and failure with regard to constitutional reform, and the constitutional impact of leaving the European Union.

Fourth edition, January 2026

Changes to bring this edition up to date include changes to electoral systems, updated case studies of elections to devolved bodies, and the status of Northern Ireland post-Brexit. We also bookend the Conservatives' reform section and introduce a new section for the 2024 Labour government.

1.1 The Nature and Sources of the UK

Learning Objectives

- ✓ Learn the historical documents that have led to the development of
- ✓ Understand the principles of the UK constitution and how far these been maintained
- ✓ Be able to explain the sources of the constitution and how these di relate to each other
- ✓ Understand the difference between unitary states and federal sta
- ✓ Identify the main features of the UK constitution that are due to th codified, and compare this with the USA

Key Terms

Constitution	A set of rules, laws and principles that describe the way or governed.
Codified	When a constitution is written into a single documen can be found in this document.
Entrenched	A key feature of a codified constitution relating to the difficulty of amending them.
Unitary	Central government is sov[illegible] has authority over o
Federal	Central government is distinguished from several sta and federal government.
Parliamentary sovereignty	Parliament is sovereign and the highest legal authority legislatively supreme, and its decisions cannot be over
Rule of law	A legal idea that the relations between citizens and th law, through the governance and protection of indivi
Statute law	Acts of Parliament and other legislation that has been Parliament.
Common law	Law passed by the decision-making and common pra
EU treaties	Agreements made between member states of the Euro these states must follow.
Conventions	Norms that have been established through prior exper beh
Authoritative works	A selection of political texts relating to the constitutio referred back to during constitutional issues.

What is a Constitution?

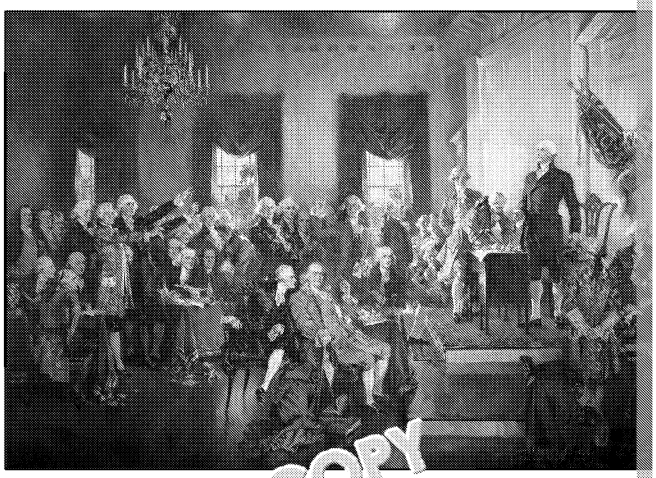
A constitution is a set of rules, laws and principles that sets out the ways in organised or governed. It outlines the way a society will be run by its auth these authorities interact with citizens within a state. It is at the core of how day. A constitution has many important functions that make this the case, power resides in certain areas and guaranteeing rights for citizens.

Constitutions vary in terms of the importance from state to state. Democ their constitutions in order to function effectively. This helps for a number prevention of government wielding too much power. The USA, for exampl the judicial and the legislature work separately from the president and ha powers available to them to carry this out. This ensures that there is no ins that can threaten the democratic principles of the state. You might say tha idea of **limited government** as they tend to outline citizen protection from

The constitution in the UK did not just simply come into existence overnig way the Founding Fathers are credited with writing the American Constitu Constitution has been built over time, borrowing principles from a numbe a partly written constitution. Written or unwritten, however, the UK Cons the workings of government every day.

The Development of the UK Constitution

Because the constitution is uncodified, it has developed over time in a num documents. Most of these can be considered as contributing to themes tha development of the constitution. These themes will be discussed throughou for them.

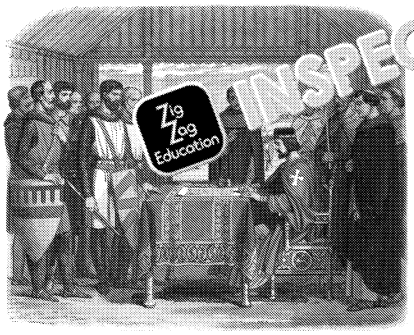


The Founding Fathers signing the American Constitution.

Magna Carta 1215

Constitutional development began in 1215 with the creation of the **Magna Carta**. The Magna Carta is widely considered as the first stage of its development because it was the first written document that began to check the power of the king. This charter was introduced by the Archbishop of Canterbury in an attempt to bring peace between King John of England and a group of rebels, and it included the right to a fair trial and the protection from imprisonment. The king, for the first time, was not above the law of the land himself but ruled over citizens with protections from him. The Magna Carta transferred power from the monarchy to the citizens within the state and is a key pillar for constitutions all over the world, including the United States of America.

Did you know?
Three original copies of the Magna Carta still exist today. They are housed in the British Library, Lincoln Cathedral and Salisbury Cathedral.



Bill of Rights 1689

After a few centuries, there was a new-found interest in the principles of the Magna Carta in England throughout the 1640s resulted in the creation of a Parliament and civil war. The **Bill of Rights** 1689 was an Act of Parliament introduced to outline basic civil liberties, limit the power of the monarch and clarified the line of succession to the Crown. It transferred power to Parliament by introducing free elections and freedom of speech in the chamber. It was introduced so that this newly legitimate Parliament could check the power of the monarchy and the aristocracy, including the banning of a standing army in peacetime without permission from Parliament. The Bill of Rights outlawed cruel and unusual punishments with other violations of civil rights. For these reasons, the Bill of Rights can be seen as transferring power from the monarchy, this time placing it in the hands of Parliament.

Act of Settlement 1701

The third Act that aided the development of the UK constitution was the Act of Settlement. To understand this, you need to know that all of the successors outlined in the Bill of Rights 1689 were Protestant. The Act was mainly focused on ensuring the monarchy remained Protestant after the death of William III. The Act banned Roman Catholics from taking the throne, but also placed further restrictions on the powers of the monarch. Without the consent of Parliament, the monarch could not wage war, declare peace, or even leave the territories of England. The Act of Settlement therefore indirectly further put power in the hands of Parliament.

Acts of Union 1707

It can be argued that without the Act of Settlement, the **Acts of Union** 1707 would probably not have been possible. Many attempts had been made before to unite the kingdoms of Scotland and England, with no success. This Act was the product of a two-year-long treaty agreement between the two states, resulting in the formation of Great Britain. The new union would be governed from Westminster; however, it is also known as the incorporation of the Parliaments. The power of Parliament was inherently increased as they were now guaranteed to represent people over more territories.

The Parliament Acts 1911 and 1949

This newly reformed Parliament attempted to function effectively after the of 1911 and 1949, however, followed to settle disagreements over the powe chamber was dominated by Conservatives at the time. A liberal bill put fo the Chancellor of the Exchequer, proposing a land tax on landowners, was the Lords. Many of the peers were landowners themselves, and their perso limiting the rights of citizens. Restrictions were enacted on the delaying po time limits of delay on money and non-money bills. These restrictions outl can be considered to have increased the rights of citizens in the UK by limi of Lords and increasing the power of the House of Commons.

European Communities Act 1972

World wars and political volatility meant that there was no great constituti twentieth century. The final Act that is important to think about in constitu **European Communities Act**. In 1972, the UK joined the European Econom market. Prime Minister Edward Heath signed a treaty in Brussels followin declared that Britain would join the European Community. This involved of Rome in UK law, which meant that EU law had authority over statute la in the UK resulted in the decision that Britain would leave what is now kn Nevertheless, the European Communities Act has been significant in the d UK Constitution.

The Principles of the UK Constitution

The constitution in the UK has several conventions and features, which will b this chapter. There are **two** fundamental pillars that underpin the UK Cons inherent to it, regardless of its features due to its (lack of) codification or th unwritten nature. These 'twin pillars' are **parliamentary sovereignty** and the discussed, these pillars are outlined and are in a sense encouraged due to t but there has been increased doubt in recent times as to whether they still

Sovereignty of Parliament

This is the idea that Parliament has the highest authority to make law and that no parliament can bind a subsequent parliament. It means too that Parliament has sovereignty over other parts of government, such as the monarchy (when it forced the King to abdicate in 1936), or over the judiciary when its own laws take precedence over common law. This was an idea of sovereignty particularly articulated in the nineteenth century, and especially by A V Dicey.

Parliamentary sovereignty has proved to be important over the years. Due to statute law being supreme (in theory), important law has been the democratic progress of the UK. The **Human Rights Act** 1998 is an exam Parliament being sovereign. However, there are doubts cast today as to wh legal sovereignty in practice. This will be discussed below in more detail, b trends have occurred – including a more dominant executive, a more powe devolution and power to regional bodies, and the increasing use of referend parliamentary sovereignty no longer exists in the UK.

Rule of Law

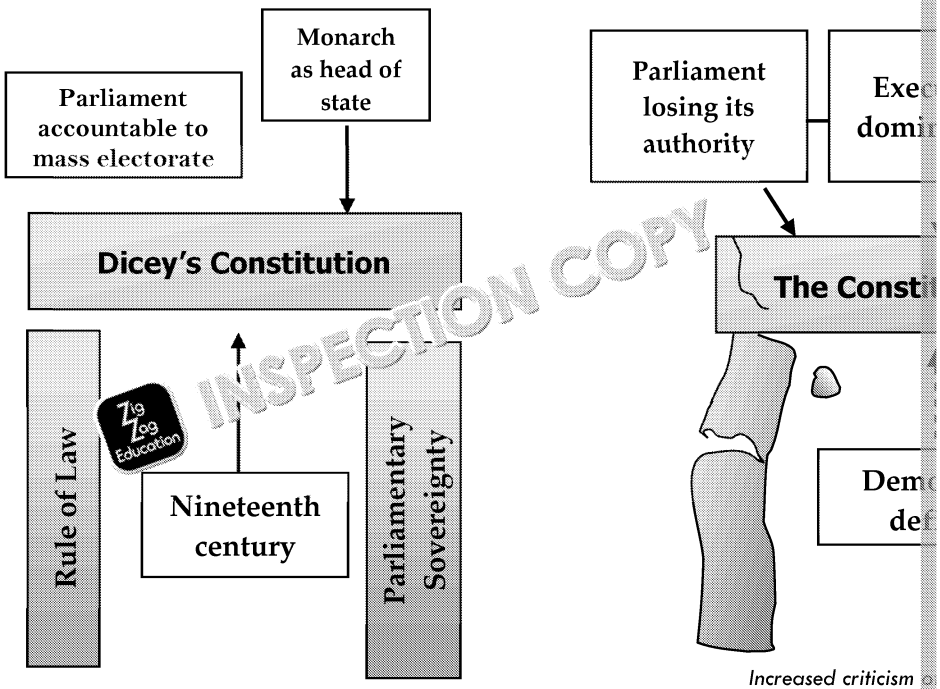
The success of the UK Constitution is also said to rest upon respect for and successful operation of the rule of law. Some of the fundamental principles are that everyone is equal before the law and should have equal rights to r grievances, that no one can be punished unless convicted for a breach of th that all powers possessed by governments must be based on agreed legal r should bring with it ideas of fairness and justice. An independent judiciary decide the general principles of the constitution, not politicians.

The rule of law, alongside parliamentary sovereignty, has proved an important p progressions in the UK. When Boris Johnson prorogued Parliament (ending 2019, it was a ruling of the Supreme Court that overturned the order, show enhancing democracy, re-establishing the power of Parliament over the ex However, it has been brought into debate whether it is truly a credible pill implies that judges' decisions can be overturned without major difficulty. A cannot afford to go to court any more, suggesting that law does not dictate people and the state.

Twin Pillars

You'll see from the chart on the next page that one of the sources is the wo written on the Constitution. It was Bagehot who said in the nineteenth ce two parts – a dignified part that is the monarchy and the House of Lords, a power really lies: the House of Commons, the prime minister, and the Cab A V Dicey wrote that the constitution had two main pillars that supported everybody, including the government, agreed to obey, and the sovereignty the highest authority to make the laws. You'll have to think about this co Dicey defined different kinds of sovereignty. He said that Parliament had political sovereignty of the electorate ultimately controlled it. Do you think have two places where sovereignty lies? Constitutions have two sides. Th Bagehot and Dicey were so proud of, and there is the practical side, the da changed since they wrote, and we now have a much stronger executive, a effects of belonging to the European Union and a more informed attitude o many aspects of politics and society.

Walter Bagehot 1826–1877. Bagehot was at various times a lawyer, banker and and tried unsuccessfully to become a Member of Parliament. We remember him be work entitled The English Constitution *(1867), in which he described the Cabinet as 'efficient secret of Government'. Bagehot, like Dicey and a few other writers, may as an important source of the UK Constitution. Such value has always rested in the interpretation they have put upon an unwritten constitution that would otherwise be difficult to explain and to agree upon.*



Even if the UK Constitution doesn't run exactly as the authorities describe that doesn't mean that it has no purpose. Some of it may need reforming concentrate here on whether we should have a written constitution, and o sovereign.

Problems with the UK Constitution

1. It has produced an inadequate separation of powers, allowing the execu control over the legislative branch. This, together with the large majo system can lead to **elective dictatorships**, whereby the governing par effectively by the rest of Parliament.
2. The notion of the rule of law may be breaking down, e.g. many peopl
3. The sovereignty of Parliament is in doubt.
4. The constitution is far too easy to amend by a government with a larg
5. The constitution still allows too many 'relics' of earlier times, such as t House of Lords and the monarchy.
6. It has become a messy mixture of written and unwritten elements.
7. Because it is so vague and uncodified, it does not carry the obvious au constitutions, such as that of the USA.

The Sources of the UK Constitution

Some Useful Points to Remember

The UK Constitution is **uncodified** – not set down in one place. It has **evol** centuries, and not been written down at one particular time. It can change Parliament, and doesn't need a complicated p[rocedure] to amend it, unlike constitution. It has developed into a **liberal democratic** constitution and h **parliamentary system**, accountability through elections to the electorate; sec where power resides in one place, although some power can be devolved, Northern Ireland, but can be taken back by Parliament (this is different fro the USA, where sovereignty lies both in central government and the states) **monarchy** that has little real political power. Despite all of this, Parliamen main sources of the constitution. The important thing to remember is that which interact with each other differently due to the uncodified nature of

The sources of the UK Constitution vary because it is uncodified. There ar written and unwritten parts of the constitution can be found:

- **Statute law**
  Statute law is law made by Parliament. This is usually characterised in Acts of Parliament, which must go through a long process of examination and have approval from the House of Commons, the House of Lords and the monarch. **Parliamentary sovereignty** means that statute law is more powerful than any other source of the by Parliament. This means that it should, in theory, be used if there is law and another rule or principle from another source.

  Not all of Parliament can be considered constitutional, and this i should be careful not to assume that finding any law made by the legi example that highlights a source of the constitution. Acts that affect th of citizens can be considered constitutional. An example of statute law system in recent times is the Scotland Act 1998, which created a Scotti Westminster. The Human Rights Act 1998 has impacted on the rights therefore, an important element to think about when considering the s because of its authority and impact on UK politics.

Case Study – EU Referendum

The European Union Referendum Act in 2015 was passed by Parliament. As its name suggests, it promised an 'in/out' referendum on Britain's membership of the EU. It was brought forward to the House of Commons in May 2015 and passed the Commons vote by 544 votes to 53. It was given royal assent in December 2015 and the bill became an Act. The referendum was held in June 2016, in which the public voted to leave the European Union.

- **Common law**

Common law is the idea that our judges have some role in the making
judicial review, which means they examine the work of other membe
Parliament, in cases where statute law doesn't solve the problem. This
blanks of statute law so that judges can make informed decisions in th
However, because of parliamentary sovereignty, common law can be

Common law, and, therefore, judges, can consequently never directly
more difficult to trace com[illegible] Areas where common law is pro
crime conviction. Common law is nevertheless significant in the creat
provid[illegible]ity in cases where statute law will not suffice.

Case Study – Marriage

In cases of partnership that have the legal implications of marriage without having registered in a civil or religious union, common-law marriage outlines other types of union. Civil union and domestic partnership are examples of situations that common law has described over time. David Cameron's (right) parliamentary victory to introduce same-sex marriage in 2013 prompted the question of whether these cases of partnership would still be necessary, as homosexuals had made up a large proportion of people who had registered civil union. However, civil union is still available to those who wish for this me of partnership, and the first heterosexual British couple to join in civil union d in 2016.

- **Conventions**

Conventions are a sort of informal agreem[illegible] are not written dow
nevertheless guide governments in their decision-making. They are n
long-standing and historically successful in many cases, and this gives
this reason, don't underestimate the constitutional importance of conv
ignore[illegible] would have just as serious consequences as written law
numer[illegible]he royal assent of legislation and the inability for politica
Speaker of the House of Commons if they are seeking re-election are e
written but are enforced due to historical ties. If the monarch were to
legislation, which has not been done for over 300 years, it would caus
fact remains that Parliament may still overrule or challenge conventio
seen as equal to statute law.

Case Study – Voting on War

Following the electoral backlash for Labour as a result of what many saw as an undemocratic declaration of war with Iraq by Tony Blair in 2003, a convention has been introduced since that means that Parliament will always vote on matters that may result in the state going to war. Gordon Brown (right) introduced this convention in 2007 and it has been respected since. The most notable case where it was evident was David Cameron's parliamentary defeat over war with Syria in 2013. It had been a prerogati power of the prime minister to deploy troops where necessary, but this conven[illegible]ord to overturn this power, and troops were not sent.

- **Authoritative works**

The 'works of authority' are generally referred to as such because they constitutional experts who have written detailed texts on the constitu not constitutional. The authority that these works have can, therefore, than legally binding. You know already that the constitution is uncod written, so it is not too difficult to imagine that there are several areas authoritative works attempt to provide clarity by providing what is es on constitutional activity.

We have already refer[illegible] of the authors who contribute to this c companion: W[illegible]gehot with *The English Constitution* and A V Dicey *of the [illegible] Constitution.* These are some of the works that are referr differe[illegible]es to justify constitutional activity. Works of authority mus important source in the formation of the UK Constitution, as they offer which government officials can more clearly identify whether their acts

Case Study – A V Dicey and Brexit

The Brexit referendum result prompted serious debate surrounding what ha written on parliamentary sovereignty by A V Dicey in his various works. In f authoritative works were used to campaign on both sides following the resu Supporters of leaving the EU, including Boris Johnson, verbally claimed that leaving signified the reclaim of parliamentary sovereignty. On the other ha political analysts, including economics and social policy specialist Warwick Lightfoot, directly referenced the works of Dicey to argue that it was constitutionally justifiable for Parliament to overrule Brexit, as it is merely exercising their right.

- **European Union law and treati[illegible]**

When the UK joined the European Economic Community in 1972, and sovereignty was [illegible]ed by the supremacy of EU legislation, treati Europ[illegible]our of justice. The 1958 Treaty of Rome determines this s takes p[illegible]ence over national law of member states. This means that some way violating any laws or treaties imposed on the UK by the EU

This has had varying impacts on several areas of policy. It has been co UK law on fishing policy and areas of social policy such as workers' r undermined the sovereignty of Parliament was controversial in the U Leave result of the 2016 referendum on membership of the EU. Since t European law no longer takes precedent over UK law.

Case Study – Social Policy

The European Union doesn't have great power over social policy broadly speaking, but focuses on workers' rights. Its 'social ch[illegible]r' outlines basic wo conditions for all those working within membe[illegible]ate such as the right to res breaks and paid holidays. Supporters of the EU implementing constitutional l state that it increases the right[illegible]ties and limits the opportunity for a lo human liberties. The vi[illegible]t EU influence should not overrule statute law o these matters r[illegible]e capitalist history of the UK, and its more free mark persp[illegible]on the economy in recent decades compared to that of other countr[illegible]ainland Europe.

Talking point

What impact might Brexit have on the sources of the UK Constit

Comparing the UK and US Constitutions

Unitary and Federal Government

An important aspect of the UK Constitution is that it has produced a **unita** state in which every citizen runs the country at all times. It wouldn't prov least, and it is hard to see how effective decisions could ever be made. The opposite extreme, and have people at the centre making all the important **government** is such a government where the important political power is government, which may allow subordinate units to exercise po say, most governments in the world lean towards this model. Before mod common f unitary government would have been the monarch or em over all subordinate bodies. During the nineteenth and twentieth centuries across the world tried to make their governments more democratic, giving electorates in one form or another. Essentially, however, most remained u the real decision-making stayed in the hands of a central government. The democracy does allow a great deal of participation by its citizens, but, in es decisions are made by or with the permission of the central government.

Federalism is an alternative system of government to unitary government central government still holds important powers, but other powers are hel local divisions of government. If we take the USA as an example of a fede central government (known as the federal government) holds nationally im right to impose national taxes or to declare war, while each of the 50 states powers over more local matters such as the right to decide on whether or n in that state. Federal government also exists in different forms in states such and Australia.

Codified and Uncodified Constitutions

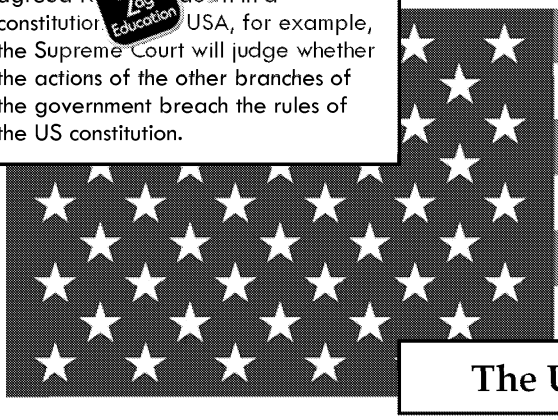
Sometimes you just have to sit down and learn a few definitions so that yo
understanding of the subject itself, including some of the points you've jus
Uncodified – where a constitution is not to be found in one document but
of time. Uncodified constitutions tend, therefore, to be a mixture of writte
are now comparatively rare. The UK Constitution ha veloped in this w
elements such as statute law and unwritten co ns that have no force
constitutions may well be easier to ar often requiring little more than
means that they are **unentre ed** – the contents of the constitution are no
regularly and simply by the government. When a constitution is unentren
more diffi ar than regular law.

For over 20 ears, the USA has functioned under the sovereignty of a codified constitution. Only amended 27 times, it has nevertheless adapted to changing times through the introduction of unwritten conventions, and through the interpretation of the document by the highest court in the USA. This is the Supreme Court, which has the power to strike down laws made by the legislature if they are seen to clash with the rules in the constitution itself. The US Constitution – a codified document – makes some very specific references to various government offices and the power conferred o no guidance in the constitution as to who should fill the role of Speaker of t When Nancy Pelosi became Speaker for the second time in 2019, it was beca leader of the largest party within the House. It is therefore through convent explicitly in law. What *is* in the constitution, however, is the fact that the Sp presidency, and would take on the presidentia e should anything befall t president. Whatever voters may think of what s nt happening, there would

Di
Ou
ha
on
in
US

Constitutionalism – this re
when a stat ra ng to
agreed r do n in a
constitution USA, for example, the Supreme Court will judge whether the actions of the other branches of the government breach the rules of the US constitution.

Entrenched – t
into the constitu
difficult to rem
simply remaine
implies that the
amending the r
involved than ju
having to hold
of safeguardin
of Rights that p



The US Constitution

Separation rs – where the various bran government have strictly s ate personnel to avoid dictatorship. The UK parliamentary system does not provide true separation of powers.

Codified – where a written constitution is brought together in one document. This is the usual practice across the world, with the exception of a very few states, including the United Kingdom.

1.2 Constitutional Reform Sinc

Learning Objectives

- ✓ Learn the main constitutional reforms of the [L]abour Government 19
- ✓ Learn the main constitutional reform[s] th[e] Conservative-led gover
- ✓ Understand the main areas of [re]fo[rm] and the themes that have res[ulted] in various reforms
- ✓ Understand th[e] [im]plications of these reforms, and assess the level o[f]

Key Terms

Constitutional reform	An amendment made to the UK Constitution that chan[ges] governed or organised.
Human Rights Act	A UK law passed in 1998 which defends the rights of [citizens] offers freedoms such as the right to life, the freedom o[f] of assembly.
Devolution	The transfer of political power from central governme[nt] national institutions.
Constitutional Reform Act	A UK law passed in 2005 which c[h]ang[ed] the way that judg[es] power of the Lord Chance[llor] [and] paving way for a UK S[upreme]
House of Lords Act	A UK l[aw] pa[ssed] in 1999 that attempted to democrati[se] [the] ly by removing all but 92 hereditary peers.
Modernisation	The idea that reform was necessary to change the outd[ated] civil service.
Democratisation	Electoral reform and referendums should be used to [make] more democratic.
Decentralisation	Decision-making powers were too highly centralised [and] should take power from Westminster and hand it to S[cotland] and Wales.
Brexit	The result of the European Union referendum in June [2016] implications for future constitutional reform.

Labour Government 1997–2010

When New Labour was elected in 1997, Prime Minister Tony Blair immed
putting in place a long list of constitutional reforms. Constitutional reform
to the written and unwritten principles that determine the way the UK is g
reform had been slow and insignificant during the era of government that
office between 1979 and 1997. What changed? In
impact? Were these reforms truly signifi
an understanding of every gov
The New L
most radic
manifesto identified before taking power that there were four main proble
and all subsequent reforms would be an attempt to remove these issues:

1. The constitution was outdated. This was a long-standing issue with so
the constitution. It is also a factor in the case for rewriting the constitu
would force through the removal of unnecessary laws in the current B
planned to introduce a period of **modernisation** that would remove so
examples of constitutional practice. A key identified area that was pla
the functioning of Parliament.

2. There was not enough room for citizens to access the political system b
constitution. New Labour felt that direct democracy was being hinder
electoral system (first-past-the-post) that did not
constitutional rules that did not give acce
with **democratisation** in mind.

3. The constitution did
A proce
highly
differen
to place.

4. **Citizens' rights** were not well enough protected under the current co
written statute or common law that guaranteed the protection of citize
the state. New Labour therefore attempted to solve this issue by incre
protection of rights for citizens by introducing written laws.

The House of Lords.

Reforms to Parliament

In an attempt to modernise the constitution, New Labour set about reform
Parliament. Parliament is divided into two chambers, the House of Comm
In the House of Lords, there were hundreds of hereditary lords who, for c
position there simply because they inherited their titles. The Labour Gove
remove them. What the Labour Government actually achieved disappointe
of change in 1999 left 92 **hereditary peers**. While the Conservative Party t
were going too far, others such as the Liberal Democrats were
disappointed at the compromise nature of the proposals, and the
obvious problems in deciding what to do next. The whole question of
the second chamber of Lords reform was put on hold by the parliamentary
vote in 2003 that effectively rejected all proposals.

The House of Lords Reform Act's success lay in the removal of several hu
Beyond that, there was very little reform of the upper chamber until the ne
reforms in 2026. Nonetheless, this reform was significant as it did lead to s
democracy, such as a new balance of ideologies in the House of Lords. The
the chamber was dominated by Conservatives and now there is no party m

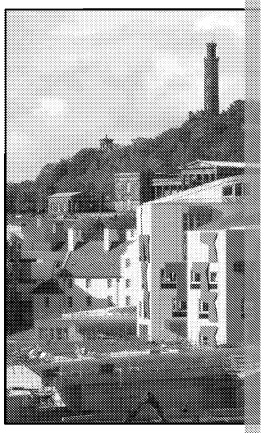
New Labour reforms were unsatisfactory in the House of Commons. They
that will be discussed throughout the UK Government course which could
such as the introduction of a **Backbench Business Committee** to decide pa
Commons one day per week. Most reforms, however, were stalled due to t
few other reforms that were passed in the Commons were insignificant and
modernised the constitution in any way. Amendments to Prime Minister's
that did not have the impact that Labour had hoped. This was one of Tony
an attempt to unlock the empowering potential of this practice. In changing
15-minute session to a half-hour session, however, it can be argued that
remains the failed and a poorly conducted practice.

Overall, amendments in both houses can be said to have been unconvincin
Labour did to reform Parliament that actually modernised the constitution
peers helped to modernise the House of Lords in the sense that it improved
of the chamber. Little was done to challenge its legitimacy, though, which i
the House. Similarly, the strengthening of the position of backbenchers ca
because it prevents elective dictatorship and increases the fairness
in the House of Commons. However, most of the reforms New
Labour did manage to pass were considered insignificant.
Therefore, the New Labour Government only went some way in
modernising Parliament.

Devolution

Some context is needed here for you to understand the desire and pursuit
it had not been of high importance before this point. Scotland and Wales b
and voted 'yes' to have their own devolved institutions. Subsequently, by
Welsh Assembly and a Northern Ireland Assembly had been established i
stage in New Labour carrying out their goal of dec a sation, but it was
devolution continued throughout their tim i o e.

Scottish Parliament was g ll given further devolved po r t directly given from Westminst as given primary legislative powers that included tax-varying authority. It was later given control over education and health, among other significant public sector areas. Northern Ireland followed along a similar pattern in terms of which policy areas it could influence. Crucially, however, it was not given tax-varying powers. Wales began in a weaker position than the other two devolved institutions, as it was only given secondary legislative power, so it could only change and introduce Westminster legislation, rather than create legislation itself. All of this was a gradual process that took place over the period of New Labour being in government.

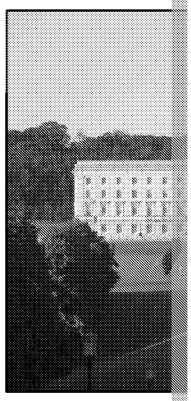


Devolution was at first seen somewhat cr ic a ly w en government attemp
lead the Labour party in Wales w s oi d, and, similarly, when central g
the candidacy of Ken L iv g s n in the elections for London mayor, anoth
change in th K. S ay that the arrangements for Wales and Scotland
critics poi the range of policies established by the Labour executive
overall Labour policy. These covered areas such as tuition fees, care of the
local elections. Devolution was mainly criticised, however, for putting too
regional MPs in relation to the power of English MPs. We call this the **West Lothian Question**, which asks why Scottish MPs should be allowed to vote on English-only matters, yet English MPs cannot vote in Scottish Parliament.

Did you
The West
asked be
had bee
1977, b
West Lot

The Welsh Assembly.

It is also useful to remember that, while attempting to tackle the problem th
constitution, New Labour made changes to local government. A directly ele
introduced by the government in 2000, and was handed primary power in p
A London Assembly was also established in 2000 that was charged with scr
mayor. Labour introduced a total of 12 directly elected mayors in its time in
the handling of local government reform. This primarily revolved around th
mayor, Ken Livingstone, and his unpopular introduction in 2004 of a conge
coming into London. There was also, however, a case to argue that the Briti
reform. A referendum on a regional assembly in East Assembly in 2004 resulted i
decision, New Labour chose their push for devolution and particularly loc



There is some doubt over whether devolution reform by the New Labour Government was successful. It has created problems such as the West Lothian Question, which potentially damages democracy, and often local constitutional reform has proved unpopular. What is certain, though, is that devolution reform has succeeded in decentralising power away from Westminster. This means that New Labour ultimately succeeded, if only in part, in tackling the problem of the constitution creating a too highly centralised government.

Th

Electoral Reform

As part of an attempt to democratise the constitution, Labour wanted elec
the 1998 Jenkins Report, which stated that the first past-the-post (FPTP) vo
should be replaced by the alternative vote (AV) system. This system would
still guaranteeing parliamentary majorities to the same extent. Importantly,
representation to supporters of smaller parties, which have limited access t
FPTP. Labour had organised this report and wanted to implement policy b
not carry out what was recommended.

Despite the failure to democratise the Westminster electoral system, New L
electoral reform to the constitution in areas outside Parliament. Significant
representation systems were introduced for the first time into the UK Cons
shows the different electoral systems that Labour introduced, and in which

Institution	Electoral System
Elected mayors	Supplementary vote (majority, changed briefly to
London Assembly	Additional member system (hybrid)
Scottish Parliament	Additional member syste (hybrid)
Scottish local government	Single transf vote (proportional)
Welsh Assembly	Additional member system (hybrid, since changed ystem' for 2026)
Northern Ireland Assembly	Single transferrable vote (proportional)
European Parliament	Regional party list (proportional, not held since Br in 2020)

While electoral reform in Westminster stalls, New Labour's introduction o
across devolved and local institutions marks a constitutional shift. Some r
Conservatives changed mayoral elections to use first-past-the-post from 20
2026) and European Parliament elections end with Brexit. The Welsh Parli
proportional system from 2026, reflecting broader patterns of electoral div

Judicial Reform

Another part of trying to introduce constitutional democratisation was attempting to tackle the imbalanced relationships within Westminster. This was designed to better uphold the rule of law, holding the executive to account and preventing **elective dictatorship** – too much political power in the hands of the executive. The **Constitutional Reform Act 2005** was where constitutional reform of the judiciary began for New Labour. The Act sought to legitimise the branch by decreasing the appointment power of the Lord Chancellor, whose interests were argued to have lain in keeping the judiciary elitist. This led to the creation of a Supreme Court in 2009, which was given more powers of judicial review. Were thes
changing the structure of appointing judges and increasing judicial power
of elective dictatorship increases, and this is good for democracy. Howeve
been effective is questionable, as you will learn later when the UK Governmen

The Middlesex Gui

Rights

As there were no written rights in the UK before 1997, New Labour promis
citizens fr st e would be better safeguarded under new statute law
change in 1 promised to be a new **Freedom of Information Act (2000)**.
until a few years later, and its real benefits remain unclear. The incorpora
Convention on Human Rights into UK law through the **Human Rights A**
for enhancing the political power of the judiciary, threatening to set up a c
increasingly undermine the legal sovereignty of Parliament, and making t
more difficult. We'll explain this later when we deal with the judiciary. T
however, is the first instance of written laws on the protection of citizens i
prime minister, Tony Blair, and the leader of the opposition, David Camer
Human Rights Act in 2006 when its provisions caused difficulties in depor
Again, a prominent criticism has been that the reforms are not part of an o
security as well as the protection of rights.

Coalition Government 2010-20

The Coalition Governm d up of the Conservatives and the Liberal
office in 201 d restraints on it that the Labour Government bef
the coalitio nt that significant constitutional reform would likely be c
parties, and a weak mandate after no party won a majority meant that the
implementing their manifesto. The coalition did manage to introduce som
change, attempting to reform most of the areas listed above. The extent of
though, can be argued to be insignificant, as will be discussed in the table

Reform Proposal	Year	Explanation
Fixed-term Parliaments Act	2011	Legislation designed to prevent the prime mi a snap general election whenever they choose five-year terms of government are enforced b was introduced in th[illegible]e that it would con stability of th[illegible]. It should be noted th gen[illegible]s have taken place since, in 20 [illegible]2019, the Act was by-passed by a one-line b simple majority in parliament. The Act was a to have contributed to parliamentary deadloc Ultimately, it was seen as counterproductive repealed by Boris Johnson's government in 20
Electoral reform	2011	Although New Labour did not deliver the ele referendum they had promised, the coalition did in 2011. The Conservatives favoured keep the Liberal Democrats wanted PR. 'Alternativ was chosen as a compromise option, but rejec public in the subsequent referendum. By prov platform for electoral reform, however, they w than the New Labour government.
E-petitions	2011	E-petitions had been used in Parliament since however, the Coalition [illegible]rnment revolutio importance by p[illegible]oni[illegible]g that 100,000 signatu single p[illegible]ti[illegible] would result in a parliamentar [illegible]eor[illegible]nances democracy, but it has been c having a very limited impact on parliamentar
The Scotland Act	2012	The Scotland Act 2012 was the first significant of reforms towards devolution that had symb New Labour government. This Act allowed th Parliament to further vary tax arrangements, a giving it some other powers. Some critics clai extending devolution once again furthered th the UK breaking up, which came close to hap the Scottish independence referendum took p
Protection of Freedoms Act	2012	Work on legislating codified rights by the Ne government had been partly threatened and e after 9/11. One area perceived to threaten the citizens against the state[illegible]s surveillance. Th guaranteed that [illegible]ecuri[illegible]y services would be p scrutini[illegible]s[illegible]d[illegible]n examining members of the [illegible]creasing the constitutional protection of rig
A British [illegible]f Rights	2012	The Conservatives' 2010 manifesto contained commitment to abolishing the Human Rights replacing it with a British Bill of Rights. How abandoned as their coalition partners, the Lib Democrats, refused to agree to it.

Reform Proposal	Year	Explanation
Power for local government	2010–2015	This was seen as important before the Conser Liberal Democrats entered office in 2010. Plan passed by the previous government were not the creation of five 'com d authorities' we However, nothir was implemented directly coalition to devolve power to local governme
Reduce n r of MPs	2013	This was a disaster for prime minister David who proposed the idea of reducing the numbe Parliament from 650 to 600. Arguments inclu increasing the effectiveness of the House of C carrying out its functions. He was defeated in parliamentary vote, however, and the claim w removing elected MPs would be undemocrati
House of Lords Reform Act	2014	This area of reform began as an underwhelmi The Conservatives' manifesto outlined that th introduce a mostly elected second chamber b Coalition Government introduced a House of Reform Bill which proposed reducing the cha members, with 80% being elected, but was fo abandon it because of a revolt by a large num Conservative MPs. The House of Lords Refo however, help to bring peers to account by in resignation, meaning they could be removed fo misconduct.
Wales Act	2014	This was a continuation of constitutional devo UK. It gave Wales small amounts of control o although this was to a lesser extent than had in the Scotland Act 2012. It is worth consideri Act was being passed at the same time as the referendum of independence occurred. This d the Coalition Government from introducing fu constitutional reform to encourage devolution
Recall of MPs Act	2015	This reform had fewer boundaries because bo Conservatives and the Liberal Democrats had manifestos. This meant that the Recall of MPs with little challenge in government. It meant had the power to remove MPs for serious wro example, committing a crime. For obvious rea reform has increased the democratisation of th constituents.

The Coalition Government overall had a mixed extent of success in carrying out significant constitutional reform. Some attempts cannot even be considered as they didn't pass through as legislation. Equalising constituency boundaries and more backbench control over the Commons were two areas not mentioned above that were included in manifesto, but which they failed to deliver.

Conservatives in Government 2015–2024

Since the coalition years the Conservatives have governed alone, and this h
of many constitutional reforms introduced over the last couple of decades
majority attained at the 2019 general election.

One area of constitution reform Conservatives di[illegible] was an attempt
Lothian Question. Cameron's governme[illegible] introduced new parliamentary
English Votes for English Laws (EVEL), which prevented non-English M
only issues. However, the [illegible] was short-lived. Some MPs criticised the
the parliam[illegible]ry [illegible]s, and they were scrapped in 2021.

EVEL was not the only Cameron-era reform later abandoned by his party.
Act 2011 was a cornerstone piece of coalition legislation which sought to p
from calling a snap election. However, it can be said to have failed in this
elections taking place after the law was passed – in 2017 and 2019. Many v
to parliamentary gridlock in 2019, and in the end it was repealed by Boris
thus restoring the prime minister's prerogative power to call elections.

On electoral reform, the Elections Act 2022 introduced a requirement for v
documents to polling booths – a controversial measure without precedent
elections. The Act also ended the independence of the Electoral Commissi
supervision of government ministers.

Reforming or replacing the Human Rights Act has been a recurring Conse
several manifestos since the Act's intro[illegible]o[illegible] 1998. While previous go
progress, the sizeable majority [illegible]n 2019 gave the party greater scop
In June 2022, the gov[illegible]t introduced a new Bill of Rights aimed at rep
and redefi[illegible]he [illegible]ionship between courts, Parliament, and human ri
removing t[illegible]y of courts to interpret laws compatibly with human righ
'permission stage' for claims, and limiting the influence of European Cour
Framed as restoring parliamentary sovereignty, it would have represente
of the UK's rights framework since 1998. However, amid political upheava
and formally abandoned in 2023. The Human Rights Act remains in force.

Since leaving the European Union in 2020, the most significant constitutio
Conservative government has focused on removing EU-derived law from
marked a major constitutional rupture, but the process of reviewing and r
ongoing. In January 2022, the government introduced the Brexit Freedoms
Retained EU Law (Revocation and Reform) Bill – to streamline this proces
powers to amend or remove retained EU law using [illegible]tory instruments,
scrutiny. This raised concerns over democ[illegible]a[illegible]ntability and executiv
law in June 2023; its constitutional [illegible]n[illegible]ance depends on how these pow

Labour G[illegible]er[illegible]t 2024–present

Returning t[illegible]overnment after a long and turbulent period, Labour have s
majority enabling a variety of reforms, including changing the minimum v
removing hereditary peers from the House of Lords (finishing the job start
government), and reverting the voting system for mayoral elections to the
party's manifesto also committed to eventually replacing the House of Lo

1.3 The Role and Powers of Devolved Bo
and the Impact of this Devolution

Learning Objectives

- ✓ Understand why devolution h[as] occurred in the UK, including a pop[ular] regional settlements
- ✓ Learn the diffe[rent] areas of devolution in the UK
- ✓ Learn th[e] other authorities of the Scottish Parliament, the Welsh [and] Northern Ireland Assembly
- ✓ Understand the arguments that have emerged about the imbalance in the UK

Key Terms

Devolution	The transfer of political power from central governme[nt] national institutions.
West Lothian Question	The question that asks why Scottish MPs should be a[llowed] only matters while English MPs cannot vote in the Sc[ottish]
English votes for English laws	Measures taken in Westminster to balance the problem[s] by giving certain advantages to English MPs over Engl[ish]
Tax-varying powers	The power to [vary] the rate of income tax imposed by the [UK]
Local[ism]	[the] political belief in giving authority to an area or regi[on]
Reserved powers	Authority retained by central government entirely and
Excepted powers	Authority including national matters such as parliam[ent] relations and defence. It cannot be devolved without [being] by Westminster.
Primary legislative power	The authority that devolved bodies have to make law[s]
Good Friday Agreement	A treaty in 1998 to bring peace between the UK and N[orthern]
Quasi-federalism	Central government exists [but] devolves some power [to] governments. These institutions do not make up a fe[deral]

The Constitution and Devolved Assemblies

The UK Constitution has been adapted so that different parts of the UK m
parliament or assembly. We're now going to examine levels of governmen
central government and see the relationship between devolved assemblies
undermine one of the twin pillars of the constitution and threaten the sove
briefly discussed above?

First, you should be clear about the definition of **devolution**.

> ***Devolution is where central government grants certain powers to a r
> parliament. Sovereignty remains at the centre, and the powers can b
> necessary. It is not the same as federalism, where both central gover
> government have sovereignty over particular matters, and these can
> changing the constitution.***

Why Bother with Devolution?

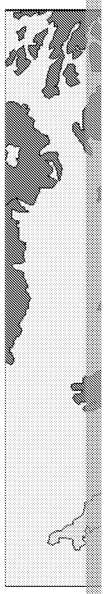
You might wonder why we should bother about setting up these different
possibly undermine the authority of Parliament. Didn't the constitution s
where power lies at the centre? Why can't the government just tell us all w
There are three main answers to this. The first is that there is simply too m
to do. Second, local government may well have a better idea of what's nee
government based in Westminster. Third, it's seen as an important factor i
people to participate in politics more locally. On top of these reasons, ther
identities within the United Kingdom which feel their own representation

The question is how could this happen without taking authority away fro
clear that it does. Whether the UK's unitary constitution can function effec
institutions is an open question. It is up to you to judge whether these dev
authority of Parliament, or the balance of the constitution.

After all, it is still Parliament that ultimately decides what arrangements th
Constitutionally, local government only exists because Parliament allows it
nothing that is not expressly allowed in law. This is very different from th
the USA, for example, which exist under a federal system of government, a
the US Constitution, can do anything that the constitution does not specifi
central government.

So we don't have a federal system, but we don't quite have a unitary syste
out exactly where the UK's constitution now stands, we need to look at ea
exists in the UK. Let's start with local governm

Local Government



To answer these questions properly, it's helpful to have a little knowledge of how local government is organised, and its relationship with central government. You won't be asked a direct question on local government arrangements, but this small amount of knowledge will help you put devolution and the authority of Parliament into a better perspective.

First, let's look at the more technical type of local government. There are two main types of local authority: county councils, with two tiers of administration, and unitary authorities, representing a single layer of administration.

In the example on the right, the thick black line represents the boundaries of a county council, and the thin black lines represent districts within the county which have their own, less-powerful councils. The shaded area is a unitary authority, usually an urban area, which has its own independent local authority (despite being located geographically within the county).

Sometimes, a county council might also be a unitary authority. For instance, Cornwall Council has just one level of administration for the entire county. These arrangements are decided by local councillors, and approved by central government.

Directly Elected Mayors

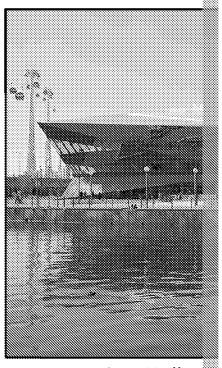
One innovation of the New Labour Government in local government was to introduce directly elected mayors for local authorities. Previously, mayoral positions were a largely ceremonial role performed by a councillor, who was appointed to the role by the council. However, under this model, a local mayoral election is held, and the elected mayor has significant powers to run the council and appoint a cabinet.

New Labour had hoped to create directly elected mayors in every local authority by the time they left office, but in the end only 13 were created before the end of their tenure in 2010. The primary reason for this was a lack of public enthusiasm for the idea. The government decided to hold referendums in local authorities to gain public approval for their plans, but in the end this may have scuppered the whole approach. Of the 53 local referendums held in total, only 16 have supported the creation of local mayors. Moreover, several local authorities which initially approved the move have since scrapped their mayoral positions in further referendums.

Whether the public are actually opposed to the idea is somewhat unclear, as the turnout in mayoral referendums is very low. Nevertheless, although the take-up has been small, local mayors have become popular in some areas. A 2021 referendum to abolish the Mayor of Tower Hamlets was opposed by a decent turnout. And some local mayoral elections have seen increased turnout in respective council elections.

London Assembly

The New Labour Government also introduced a special form of governance for London: a directly elected mayoral position to run London's executive affairs, and an elected assembly to scrutinise the activities of the mayor. The new structure gave London a form of governance with similar powers to that of the new devolved administrations in the nations.



City Hall, w

The London Assembly is comprised of 24 Assembly Members (AMs) who are elected using the additional member system.

This mayoral model differs from that created for local authorities, as the m jurisdiction over multiple local authorities: all 32 councils within Greater L arrangements has largely been successful in London.

Regional Assemblies

Following the model established by the London Assembly, the New Labou create assemblies for each of the English regions. This model of localism w created for London, Scotland, Wales and Northern Ireland across the who imbalance of local representation created by devolution.

However, the plans were scuppered before they even began. In 2004, a refe the North East – considered the region most favourable to the idea – was l 22.07% voters backed the measure with 77.93% opposed. As a result of the d regional assembly ideas was dropped altogether, leaving London with the o

Combined Authorities

A form of regional devolution in England was reattempted with greater success by the Coalition Government. In 2014, the first 'combined authority' was created in Greater Manchester, adding a single layer of administration above the 10 local authorities in the city-region. The approach of combined authorities has been embraced by the Conservatives, with a further nine created since 2014 in urban areas across the country.

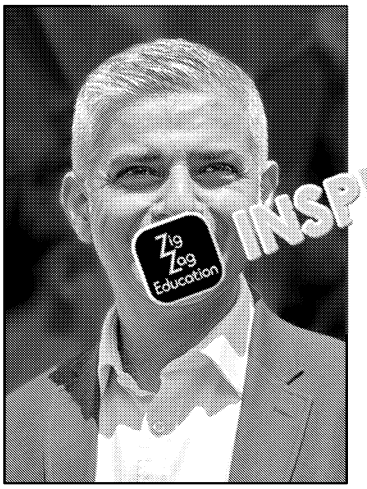
The logic behind the combined authorities is the same as that in London: that it makes little sense having different local authorities working independently of each other in a large continuous urban area.

Unlike the New Labour model, combined authorities are simply created by central government, rather than voted on in local referendum and there is no mechanism to abolish the authority. Instead of assemblies, combined authorities are run by a directly elected 'metro mayor' – similar to the position of Mayor of London.

ex

Metro Mayors

Metro Mayors are politicians directly elected to lead combined authorities comprised of several local authorities.



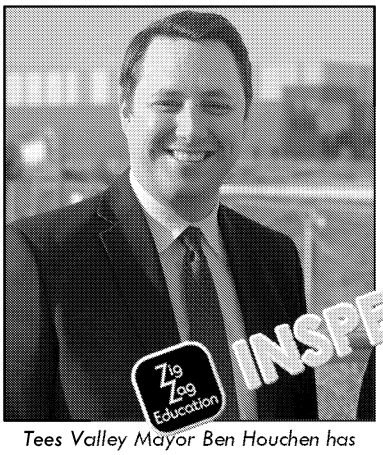
Sadiq Khan was first elected Mayor of London in 2016.

The first mayoral position of this type (spread a was the Mayor of Lon– a powerful execut 2022/23 of £19 bi ion. Ken Livingstone was th elect in 2 , and introduced reforms of nati such as the congestion charge. In doing so he s powerful mayor could achieve – becoming a n and – as the mayor of the capital city – an inter

The position has since become a desirable pos and was used by Boris Johnson, London May him to the frontline of British politics. The cu Khan, is one of the best-known Labour politi touted as a future party leader.

But it is not just in London that mayoral positions have risen to national prominence. Since the expansion of combined authorities around the country, several former MPs have since chosen to vacate their seat in the House of Commons and run for a metro mayor position. Labour MP Steve Rotherham left Parliament in 2017 to become Mayor of the Liverpool City Region. Tracy Brabin – another former Labour M – also stood down to assume the position of Mayor of West Y sh re.

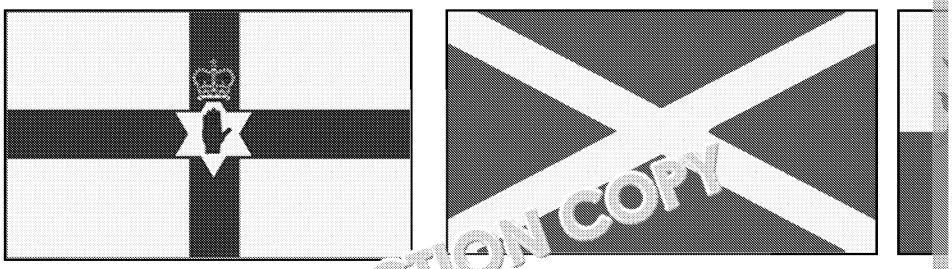
Perhaps the most well-k former MP turned metro mayor, however, is Andy Burn w gned from the role of Shadow Home Secretary to become th elected Mayor of Greater Manchester. Burnham has regularly used his position to speak out against the dominance of London in the UK's politics, and positioned his role and his city as a counterweight to London, and one that will speak up for northern England. This was particularly notable during the coronavirus pandemic, in which Burnham p government approach to lockdown, and secured greater central governme



Tees Valley Mayor Ben Houchen has become a popular Conservative leader in a traditionally Labour-supporting region.

Another metro mayor success story is Tees V Narrowly elected in 2017 with just 51.1% of 48.9%, he became a Conservative mayor in a Labour-voting part of the country. In his firs of a large development project in the post-i revitalise the area and build an international econo y. Houchen also brought Teesside I public ownership in 2018 – a popular move, pledge. In 2024, Houchen was re-elected wi

Metro mayors have extensive powers over t skills training and economic development p responsibility to work with the leaders of lo joined-up approach to local development.



Flags representing the devolved n[illegible] th[illegible] UK – Northern Ireland, Scotland and Wales. Note that th[illegible] flags are a contentious i[illegible]n. Officially, the flag of Northern Ireland is the Union Flag, n[illegible]

You know [illegible] devolution is and how it differs from **federalism**. Althoug[illegible] away sovereignty from the Westminster Parliament, that hasn't stopped th[illegible] subject of heated debate, and of a great deal of confusion, partly because i[illegible] with talk of national independence. Some warned that devolution is a step[illegible] should know what's actually happened, and you shouldn't make the mista[illegible] statements about devolution. In this section, we're not going to attempt an[illegible] concentrate on getting the main points right.

1. The Constitution, Parliament and Devolution in Scotla[illegible]

A Parliament for Scotland

Scotland received the most extensive devolution settlem[illegible]nt when the devo[illegible] established by the New Labour government. A referendum on the creation [illegible] held in 1997, and approved by a conclusive 74% of voters. This led to the fi[illegible] Scottish Parliament in 1999, being elected using the additional member electoral syst[illegible] the election, although the 56 seats were short of the 65 needed for a majori[illegible] a coalition with the fourth-placed Liberal Democrats. This formation would [illegible] of elections in 2003, with the coalition's second term proving more stable. T[illegible] the following set of elections in 2007 when the Scottish National Party – ulti[illegible] an independent Scotland, free of control from Westminster – became the la[illegible] The SNP formed a minority administration under the leadership of First Mi[illegible]

The West Lothian Question and English Votes for English Laws (E[illegible]

Following the establishment of the Scottish Parliament, many Conservative[illegible] MPs cannot vote on matters decided in the Scottish Parliament, and yet Sco[illegible] vote in the House of Commons on matters which may only relate to Englan[illegible] Lothian Question. Many felt this was unfair or even undemocratic, and var[illegible] were put forward. You may like to suggest why Conservative MPs in parti[illegible] issue and what ideas they may have put forward to solve it.

Concern over the West Lothian Question took on a renewed vigour followi[illegible] Independence referendum result in 2014. In an effort to persuade more vot[illegible] option, the three UK parties promised increased devolved powers for the S[illegible] there would be more issues where the House of Commons would legislate[illegible] Immediately following the referendum result, David Cameron announced [illegible] Cabinet committee to see how best to introduce English votes for English l[illegible] Conservative election manifesto promised to bring in the measure. In Octo[illegible] Government won a vote which introduced new standing orders for the pro[illegible]

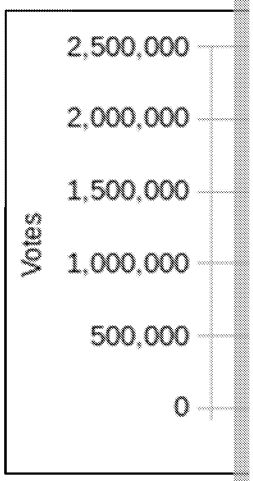
In future, the Speaker would judge which bills or parts of bills related to ju
Wales. In these cases, between the second and third readings an English-
committee of MPs will consider the bill. Membership of the committee wil
each party has from English constituencies. This allows English MPs to ve
law midway through the legislative process.

Many MPs were critical of this system, however, as it is not just the SNP th
MP had been created – those who can take part in all the business of Parlia
Furthermore, Many Conservatives were not satisfied because it is possib
England only and supported by the majority of English MPs can be defeate
opponents by a bloc of non-English MPs. This can be done at any stage i
the whole House is allowed to vote. During the coronavirus pandemic cris
was suspended to allow for a quicker passage of legislation. The House of
to abandon the procedures permanently in July 2021. As EVEL has not bee
measures, its scrapping has simply restored the problem which previously

The 2014 Scottish Independence Referendum

In 2014, the Scottish National Party led a campaign for 'yes' in a referendu
Scotland's independence from the United Kingdom. This is significant bec
questions about the nature of devolution in the UK. Does it encourage fur
benefits that go with it, including an enhancement of direct democracy an
system, or does it instead contribute to the disunity of Great Britain and th
between these states? The constitution remains a power reserved by Westm
handed to Scotland to hold this referendum after a number of Acts of Parl
further powers over tax variance and legislation.

The SNP argued that these powers were best for dealing with Scottish issues, and that these should be extended to establish social and economic authority over Scotland. All the other major parties campaigned for Scotland to remain in the UK, except for the Scottish Greens, who backed independence. The results were of significance. As you are probably aware, 55% of Scots voted 'no' and 45% 'yes'. Although the result was clear, support for independence was much higher than expected, and the government had been concerned that it might lose the vote. Prime Minister David Cameron had written a resignation speech for such a scenario.



Graph showing Scot

Despite the 'yes' vote, the fact remains that a number of people did vote fo
particularly those in poorer areas. As we will see, ultimately the result did
continued electoral success of the SNP and the UK's decision to leave the E
remains an active debate.

The Powers of the Scottish Parliament

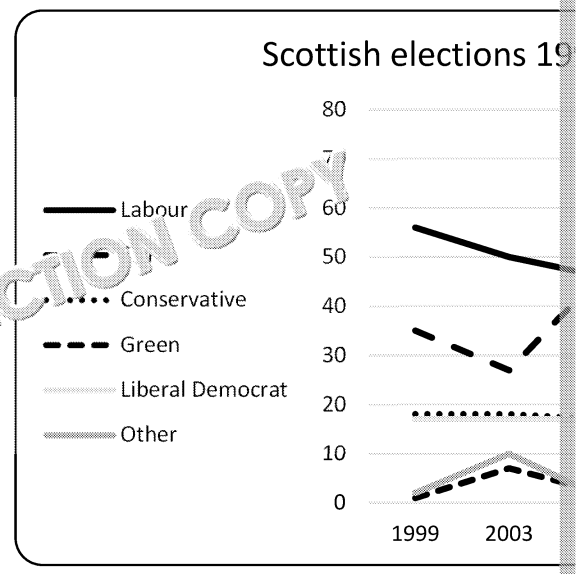
The Scottish Parliament enjoys the most significant political powers of the
This is mainly because it enjoys many primary legislative powers – it can
Westminster in certain areas and doesn't have to have authority from the
the greatest tax authority of any devolved body too. The **Scotland Act 201**
authorities to Scotland regarding tax. For the first time ever, the Scottish g
raising more than half the money that it spends. It was also granted the po
thresholds for income tax. This is significant because financial authority is
functioning of Parliament critically is handed directly over from Wes

Tax and Revenue Powers of Scotland

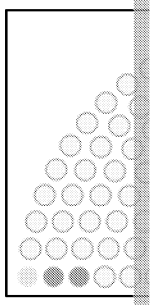
1. Since 1999, the Scottish Parliament has been able to vary income tax b
   It has also been responsible for collecting business rates and council ta
   however, come from the block grant sent from the Treasury in Londo
2. Since 2015, Scotland has levied 10p of the 20p standard rate of income
   Scotland. It can alter this either way by 3p, meaning the Scottish Asse
   anywhere between 7p to 13p in the pound. It has also become respons
   building tax (formerly stamp duty).
3. Under the Scotland Act 2016, the parliament has devolved powers to
   tax band, together with some flexibility to adjust tax rates within each
   given the right to levy its own air passenger duty and keep 50% of VA

The Scottish Parliament also has a range of legislative powers that have bu
primary legislative powers over its health service social services, and abor
policy. It also controls its own environmental policy, including agriculture
development, transport and extraction. The Scottish Parliament has aut
namely primary powers over primary and secondary education, universit
controls the policy over its own justice system, police and elections – core

There are some powers kept by Westminster and these are referred to as '
Act 1998 outlined these restrictions on the Scottish Parliament, and they h
include the UK constitution, defence and security, foreign policy, immigra
aspects of social security. What is important to remember here is that devo
parliamentary sovereignty has been lost by Westminster. It is more accurate to say that a handful of powers have been handed to Scotland, but on UK-related matters, Westminster retains the chief decision-making power. However, Scotland increasingly has a more stable and extensive devolution. This is highlighted by the fact Westminster can't intervene in Scottish matters without consent.



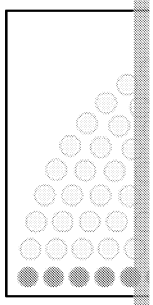
Scottish Elections: 2011



The 2011 election was the fourth held to elect the Scottish Parliament but was the first to deliver a majority government. This was seen as a major triumph for the SNP, as the additional member electoral system is supposed to make majority governments virtually impossible. Alex Salmond, the SNP leader, described the result as 'a victory for a society and a nation'. The Labour Party suffered a major blow, and some commentators described the result as their worst performance in Scotland for 80 years. They lost many of their constituency seats and the second largest party only because they received 22 regional list seats. The Lib Dems also did badly, ending up with just five seats after winning 17 in 2007.

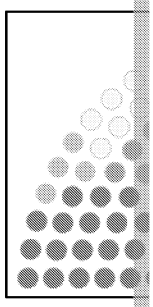
The SNP's overall majority of four seats meant they were in a position to put their commitment, and organise an independence referendum. The UK government granted consent for the referendum on the basis of this electoral result.

Scottish Elections: 2016



The SNP, now led by Nicola Sturgeon, remained the largest party but was down a total of six seats to 63 so lost its overall majority. Labour continued its downward slide, losing more seats and ending up with just 24 MSPs. The Conservatives made a significant advance, moving up from 15 to 31 representatives and becoming the main opposition to the SNP. Their leader, Ruth Davidson, was seen as having led an effective campaign, and a number of commentators suggested she could have a real influence on both Scottish and Conservative politics. She resigned from the position in 2019, citing personal reasons and opposition to Brexit. The Greens increased their MSPs from two to six.

Scottish Elections: 2021



After 15 years governing Scotland, the SNP once again overwhelmingly won the 2021 Scottish elections. They won 64 seats – just one short of a majority – and continued on as a minority administration. The Conservative Party remained the biggest party of opposition, remaining on 31 seats, while the diminished Scottish Labour continued to go backwards, winning just 22 seats.

The Scottish Greens had their best result ever winning 8 seats in Parliament. Although the SNP had failed to achieve a majority there was still a combined majority for independence. In August 2021 the Scottish Government announced a power sharing deal with the Greens. Although this is short of an official coalition, the leaders of the Scottish Greens will become government junior ministers, and the Greens have pledged to support the SNP in government. The agreement included a commitment to holding a second referendum on independence by 2023. A referendum was subsequently announced by Sturgeon, who set a date of October 2023. The SNP and Greens argue that Scotland voted to remain in the UK on the basis of continued membership of the EU, which they no longer enjoy after Brexit. Scotland had voted to remain in the EU, but the UK government are opposed to a second referendum, making it unclear whether it will go ahead.

2. The Constitution, Parliament and Devolution in Wales

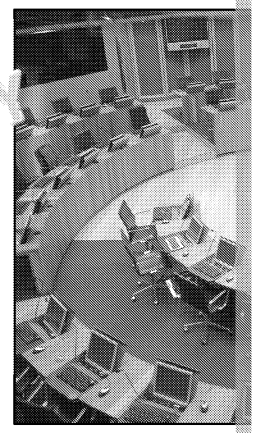
Creation of the Welsh Assembly

The Welsh Assembly, as it was originally known, was first established in 1
devolution settlement was decided by a 1997 referendum; however, unlik
close – very close. 50.3% of voters backed the creation of the assembly, co
devolution. Less than 7,000 votes separated the two sides.

The Welsh Assembly was initially much less powerful than the Scottish Pa
varying powers. The first election in 1999 was won by the Labour Party, w
short of the 30 needed for a majority. The Welsh nationalist party Plaid Cy
seats, and the Conservative and Liberal Democrats were placed a distant t
formed a governing coalition with the Liberal Democrats for the next four

Labour gained two further seats in the 2003 Welsh election, bringing them
majority. They chose to govern alone as a minority administration. Dropp
election, Labour and Plaid Cymru formed a coalition – the only occasion i
governed Wales.

The Richard Commission



In 2004, the Richard Commission reported after nearly two years of deliberation and made the following suggestions for the Welsh Assembly. The Labour Government promised to look into these.

1. The assembly should be increased in size to 80 by 2011.
2. The assembly should have the right to make many of the types of laws allowed to the Scottish Parliament.
3. Members should be elected by the STV system of voting.
4. The assembly should be allowed tax-varying powers.
5. Committees should be strengthened to enable better scrutiny of the ex

The Westminster Parliament passed the **Government of Wales Act** in July
implemented in 2007. Basically, this Act allowed parts of the assembly to b
a parliament, allowing the assembly government to become a separate part of, b
National Assembly. The assembly would be allowed to pass primary laws
UK Parliament retains the right to veto laws. The legislation was not seen
seemed to be Parliament's intention to maintain its sovereignty and contro
open up the possibility of more power being granted through a referendu
4 of the Richard Commission were not acted upon.

The Welsh Devolution Referendum 2011

Following the 2007 Welsh Assembly Election, Labour and Plaid Cymru fo
set in motion the process to call a referendum which could lead to Wales b
law-making powers.

In February 2010, all the parties in the assembly s[illegible]d a proposal ask
UK government (at the time it was Labour's [illegible]am) to arrange the leg
the referendum to be organised. [illegible] provision was made, it was le
Conservative / Liberal D[illegible]t government to give the final approval.

The refere[illegible] was held on 3rd March 2011 and the question asked was 'D
make laws in all matters in the 20 subject areas it has power for'? On a tur
'Yes' 63.49% and 'No' 36.51%.

Up until this point the assembly was subject to the Government of Wales A
allowed it law-making powers but only in some of the areas it was respon
Parliament had the power of veto. Prior to this, the Government of Wales A
devolution, only allowed the assembly the right to pass secondary legislat
Westminster Parliament granted permission.

Creation of the Senedd

The Wales Act 2017 made a number of important amendments to the Wels
importantly, it gave the Welsh legislature the ability to devolve powers fo
Parliament for powers. This is known as the 'reserved powers' model of d
given a range of new powers of pri[illegible]islation, and greater fiscal pow

Finally, the legisla[illegible] given powers to rename the Welsh Assembly i
electoral s[illegible] In 2020, the Welsh Assembly was renamed the Senedd, w
Parliament.

The Senedd Cymru (Members and Elections) Act 2024 delivers on some o
Richard Commission. From the 2026 election, the Senedd will expand from
across 16 multi-member constituencies. Each constituency will return six m
proportional representation under the D'Hondt method. This replaces the
system, which combined first-past-the-post and regional lists.

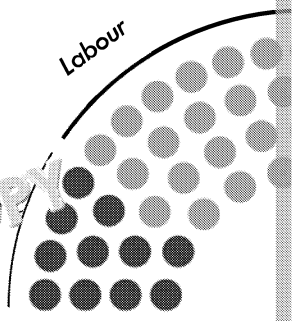
The Powers of the Senedd

The Senedd now enjoys similar powers to Scotland. The **Government of W**
the first time Wales had primacy over legislation, along with Scotland. It a
though these are not as extensive as with Scotland. It can, however, still va
has authority to control other specific taxes, such as landfill tax. The Senedd
powers in almost all the areas that Scottish Parliament does. This includes
services, environment, policy and education.

The only significant area where the Scottish Parliament has power that the
and the justice system. There are fewer controversies and concerns about t
Wales than that given to Scotland, even though the quantity of power is n
least in some part, due to the fact that Wales has proved by popular suppo
United Kingdom and has no desire for independence. Devolution for Wal

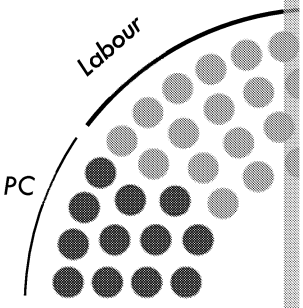
Welsh elections: 2011

The election result allowed Labour to run the government on its own. Since 2007, it had formed a coalition with Plaid Cymru. The Conservatives came second this time and won more seats than they did in the previous three assembly elections while Plaid Cymru dropped to the lowest [illegible] has had. In its manifesto it wanted [illegible] further powers transferred to Wales, particularly in criminal justice and broadcasting.



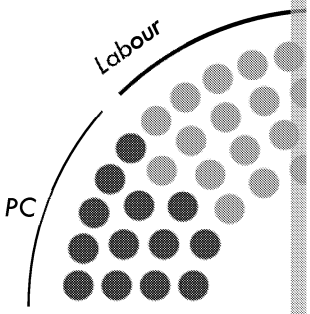
Welsh elections: 2016

The Labour Party retained its dominance of the Welsh Assembly by taking 29 of the 60 seats, which was down just one from 2011. The Conservatives finished with 11, a reduction of three, while Plaid Cymru increased its number of representatives from 11 to 12. UKIP made the most progress in the Welsh Assembly by getting representation for the first time. It took seven of the top-up list seats and immediately caused an upset within its own ranks when members elected the ex-Conservative MP and minister Neil Hamilton assembly at the expense of the UKIP Welsh leader. The Liberal Democrats they saw their representation fall from five to just one.



Welsh elections: 2021

The 2021 elections saw Labour match their best ever performance, picking up 30 seats – just one short of a majority. Both the Conservatives and Plaid Cymru made small gains, while the Liberal Democrats retained their single representative. UKIP failed to re-elect any members of the Senedd. Labour formed a minority administration as a result, with First Minister Mark Drakeford at the helm.



In November 2021, Labour and Plaid Cymru signed a cooperation agreement goals. Though not a coalition, it allowed Plaid advisers to work within gov initiatives, including free school meals, Senedd reform and National Care Ser homes. The agreement marked a novel approach to cross-party collaborati May 2024 following concerns over financial conduct, but several major c delivered or progressed.

The Peace Process in Northern Ireland

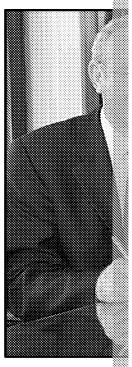
The politics of Northern Ireland is complicated and sensitive. While the ful
Ireland came to be goes back several centuries, we're con erned here with t

Northern Ireland was first established in 1921 w the island of Ireland v
government. While the Irish Repub to the south left the United Kingdom
country, Northern Ireland ir d part of the United Kingdom. Within N
different com unit **Ulster Unionists**, who are British and want to re
Irish Nati s, who are Irish and want to be reunited with the Republi
between the groups broke out into violent conflict, particularly between t
period known as **The Troubles**. Prior to 1972, Northern Ireland had its own
which was dominated by unionist politicians. However, as The Troubles be
suspended and Northern Ireland became subject to direct rule from Westm

In the 1990s, the British and Irish governments sought to bring about a poli
the violence. Negotiations between governments, community representativ
were fraught with difficulty, but eventually they brought about what is kno
Agreement, or alternatively the **Belfast Agreement**. This agreement was su
referendum by 71% of Northern Ireland's voters, on an 81% turnout, giving
democratic legitimacy.

The agreement formally recognised that:

1. The majority of people in Northern Ireland want to be part of the United Kingdom.
2. A large number of people in Northern Ireland want to be part of the Republic of Ireland.
3. If, in the future, it appears that a majority of people in Northern Ireland might want to be part of the Republic of Ireland, then a referendum should be held.



*The posi
McGuinne
sides of*

The agreement created a range of new devolved institutions and processes. Among these, it created the **Northern Ireland Assembly**, which is elected on the basis of the single transferable vote in multi-member constituencies. Those elected are known **Legislative Assembly** (MLAs). In terms of the executive, it created a uniqu for governance. In Northern Ireland, coalition governments are mandatory represented. As such, an election-winning party is entitled to fill the role of with the most MLAs from the opposite community designation is entitled **minister**. Despite their names, these roles have equal ex utive power. The are then shared between the parties. This syst m is in place to ensure both represented by Northern Ireland's de ed institutions.

If either of the two larg st parties from each community designation withd into power sharing arrangements, then Northern Ireland's executive canno has becom quent occurrence.

Northern Ireland's party system is very different from the rest of the UK's, should know are left-wing Irish nationalist Sinn Féin, and the right-wing B Unionist Party. In present-day Northern Ireland, these are the two main pa each community.

Powers of the Northern Ireland Assembly

Unlike Scotland and Wales, Northern Ireland does not share the same leve
Northern Ireland has not been given tax-varying powers. It does, howeve
primary legislative powers of the other two institutions. Northern Ireland
health and social policy, the environment, including transport and agricul
levels and authority over police and elections. In the...s traces of devolut
the Government of Ireland Act 1920 – rese...ve p...ers were outlined, stat
forbidden from making laws in s...al ...as including the actions of the a
and war. Because of the s... circumstances of Northern Ireland outline
followed the ...me ...ern as Scotland and Wales in recent times.

Is Parliament Still in Control of Northern Ireland?

The Secretary of State for Northern Ireland retained the ability to take bac
Northern Ireland, and has done so repeatedly since the formation of the as
between the unionist and nationalist parties having broken down. The firs
2000 and lasted for almost three months having been caused by general la
two sides.

A much longer suspension of the assembly began in October 2002, after u
support for the assembly due to their suspicions that nationalist party Sinn
Irish Republican Army (IRA). Despite this, new elections were held in 200
Unionist Party achieving the largest vote. Unionist parties continued to re
until decommissioning of arms had taken place more fully, and successful
Ireland looked as far away as ever. The stalemate ...ued for over four
monitoring commission reported that th... IRA ...d finally 'transformed' its
violence. Eventually a timetab... ...would lead back to an assembly and
was agreed upon by all ... ...d, at the very last moment, both sides ag
albeit grud...y. ...-sharing was agreed to, and the assembly was res

Although i... ...essfully completed two terms without suspension betwee
Ireland Assembly once again collapsed in January 2017, after the Renewab
to Sinn Féin leader and Northern Ireland Deputy First Minister Martin Mc
This second suspension lasted until January 2020. During this period, Wes
Northern Ireland, and legalised abortion and same-sex marriage. Also, the
Conservatives in Westminster between 2017 and 2019 after the 2017 gener
parliament. This was the first time a Northern Ireland party had helped a
British political history.

Though Northern Ireland's power-sharing institutions were restored in ea
in February 2022 when the Democratic Unionist Party (DUP) withdrew ov
Protocol's customs checks between Great Britain and N...thern Ireland. Th
in the executive or Assembly until those chec... ...er ...emoved, effectively
governance. Following the May 2022 ...bly election, the stalemate pers
government–DUP deal on 31st ...anuary 2024 – confirming no routine custo
greater Northern Irel... ...ket protections – the DUP returned. The exec
February ...

As we can see, the situation in Northern Ireland is quite different from tha
difficulty maintaining the functioning of the executive doesn't necessarily
principle is wrong. The specifics of politics in Northern Ireland must be co
the fact that power-sharing has been possible at all in Northern Ireland de
process has been highly successful.

Northern Ireland elections: 2011

The 2011 election result continued the trend seen in recent elections, with t
influence on the unionist side, and Sinn Féin on the nationalist side. The m
stayed the same apart from the Alliance Party gaining one more ministeria
Ulster Unionists. Peter Robinson and Martin McGuinness remained as firs
minister respectively. In January 2016 Arlene Foster replaced Peter Robins
and first minister. In August 2015 the UUP chose to leave the executive ov
provisional IRA had not been totally shown despite Sinn Féin's claim t
existed. The UUP withdrew their single minister from the executive becaus
Féin members. Again, this shows how deep mistrust still exists and threate
devolved politics.

Northern Ireland elections: 2016

The 2016 Assembly elections saw a largely unchanged picture, with union
nationalists down three seats. Sinn Féin and the DUP solidified their leads
communities, and for the first time no other parties formed the executive, w
main two. Arlene Foster and Martin McGuinness resumed their roles as fi
minister; however, power sharing broke down in late 2016 due to the Rene
scandal. After Foster refused to resign over the scandal, McGuinness stood
triggering new elections.

Northern Ireland elections: 2017

The 2017 Assembly elections marked a dramatic shift in Northern Ireland's
lost 10 seats on their 2011 result, while the smaller Ulster Unionist Party lo
Sinn Féin and the other nationalist party, the SDLP, only lost one seat betw
thus that unionists no longer held a majority in the Assembly, for the first t
history. Instead, unionists remained nationalists by just a single seat –
profound implications for Northern Ireland's future. Power sharing had b
election and would not resume until January 2020, leaving the UK Parliam
Ireland in the meantime.

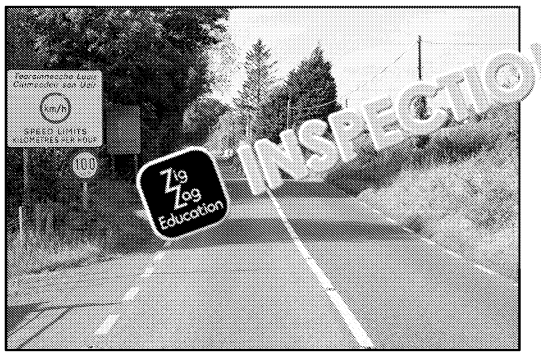
Northern Ireland elections: 2022

The 2022 Northern Ireland Assembly election was historic: for the first tim
Féin – won the most seats. The DUP came second, with the cross-commun
result positioned Michelle O'Neill to become Northern Ireland's first natio
the DUP refused to re-enter government due to post-Brexit trade arrangem
inactive for nearly two years. The deadlock ended in February 2024, after a
restoration of power-sharing.

Party	Designation	Se
Sinn Féin	Nationalist	2
Democratic Unionist Party	Unionist	2
Alliance Party	Other	1
Ulster Unionist Party	Unionist	9
Social Democratic Labour Party	Nationalist	8
Traditional Unionist Voice	Unionist	1
People Before Profit	Other	1
Independents	Unionist	2

Northern Ireland after Brexit

Extracting Northern Ireland from the European Union has proven to be a p
controversial process. This is in large part because the peace process agree
heavily dependent on EU institutions, and based on the assumption that b
remain EU members.



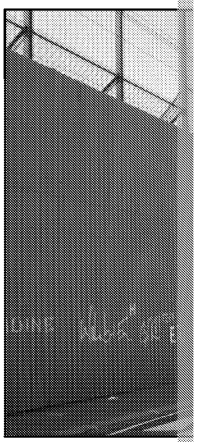
A typically understated border crossing between Northern Ireland and the Republic of Ireland. The only indication of a national boundary is changing speed limit signs. A so-called 'soft border' like this is a key demand of the nationalist community.

A k y er nd of nationalists in
ould be free movement betwe
Republic of Ireland. This means
such as checkpoints, should not
supporters of Brexit were determ
EU's free movement area. After
Northern Ireland and the Repub
border between the UK and the
fundamental problem. How can
be maintained, in order to ensur
between the UK and EU is ende

The solution agreed between the British government and European Union
movements between Britain and Northern Ireland (for example, when goo
from Liverpool to Belfast). This solution has ensured free movement rema
the nationalist demand. However, it has also infuriated unionists. For Nor
community, the checks undermine their status as a par f the United King
align their economic arrangements with the R p o f reland. Unionists
the settlement will further demands f h r unification – particularly a
becoming more electorally s s t an ever before.

As a resul De ratic Unionist Party – unionism's main political forc
they would e to govern until post-Brexit arrangements were changed
created by the Northern Ireland Protocol represented a serious threat to N
UK. Without their participation, Northern Ireland's devolved institutions
two years.

That stalemate ended in early 2024, when a new agreement with the UK go
concerns, including legal guarantees around Northern Ireland's place in the
sharing was restored in February 2024, and Sinn Féin's Michelle O'Neill wa
first nationalist first minister. The crisis highlighted the complexity of Northern Irish politics, where even trade arrangements carry constitutional weight. It also showed why constitutional change in the UK is often so difficult. Brexit required a reassessment of arrangements b n joint EU membership – none more impor t t an those underpinning the Good Friday g e ent.



A 'peace line' in B Ireland, and a between unionists circumstances of N

The future of North n Ireland's constitutional status remains u n. With nationalist parties gaining ground and Sinn Féin now leading the executive, the prospect of a future 'border poll' on Irish reunification has become more visible. Though not imminent, such a vote would raise major constitutional questions for the UK.

1.4 Debates on Further Refo

Learning Objectives

- ✓ Understand the arguments for and against the c[illegible]ation of devolution
- ✓ Understand the arguments for and agai[illegible]e that constitutional ref[illegible] been significant
- ✓ Understand the argument[illegible]nd against an extension of constitutional
- ✓ Understand the ar[illegible]ts for and against the codification of the UK Co[illegible]

Key Questions

1. **Should devolution be extended in the UK?**
   This chapter will assess the extent to which devolution should be exte[illegible] analysing how successful devolution has been so far, so this chapter w[illegible] knowledge on devolution so far. This will be alongside a return to the[illegible] the problems that it has caused, and other limitations to consider whe[illegible] devolve power from Westminster.

2. **Should constitutional reforms since 1997 be taken further?**
   This chapter will also draw on all of your knowledge of the various ref[illegible] have taken place between 1997 and 2017, assessing the arguments in fa[illegible] they have been significant. It will study each area of reform in detail. W[illegible] constitutional reforms should be continued or whether they should be s[illegible]

3. **Should the UK adopt a codified constitution?**
   This chapter will finally evaluate the nature of the UK Constitution. Th[illegible] what you know about the features of the constitution. We will discuss th[illegible] disadvantages of the UK not having a fully written constitution, in som[illegible] constitution in the USA. By drawing on examples from each, you shoul[illegible] for and against codification in the UK by the end of this chapter.

Talking point

These questions will prepare you for your exam. They are desig[illegible]

A Quick Recap

So, throughout this course companion we have discussed a lot of specific ar constitution. The nature and sources of the constitution have been shown to codification. We have also been over in detail all of the reforms to the consti put them in context by assessing their significance. Devolution has arguably solid change to the constitution in recent times, ar sifting of power aw devolved bodies is something you should be f miliar with by now.

All of these areas raise f stions, however. There are benefits and li need to un arguments and be able to use them going into an extended i K, given the devolution that has occurred in the last 20 ye constitutional reforms since 1997 been? Should these reforms be developed should the constitution be reformed so that it is written into a single docum come with codification? This chapter will help you to answer each of these

Should Devolution be Extended in the UK?

Devolution has been continuing to extend since 1997. While there are many suggest that this has been a good thing, critics of devolution suggest that it and tends to favour MPs of devolved bodies such as the Scottish Parliament Northern Ireland Assembly. For this we must return to the West Lothian Qu

The West Lothian Question

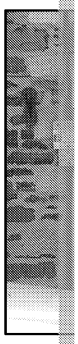
We have mostly discussed the West Lothian Q es n relation to the pow because, as you will remember, it w s m ked in 1977 with regard to the This is becoming a bigger c rn terms of devolution in general. Indeed problem. The 2014 i dence referendum is still fresh in the memory, a leaders to ue to bring the issue back to the forefront, as Scotland unan European U n. There is also the issue that Scottish Conservatives played being able to form a minority after the 2017 general election. The Conservat over Labour in England and Wales, so the 13 Scottish Conservative MPs pr DUP to form a confidence and supply government. Why should these Scott who will govern England? The same must be asked of DUP members of go with the Conservatives. This is the first time that it can really be considered now be brought into the West Lothian Question. As Wales continues to be h resembling those that Scotland has, more and more the West Lothian Quest critics of devolution feel must be addressed. The most common diagnosis fo should be an English Parliament separate from Westminster.

English Votes for English Laws

In 2015, David Cameron took the first step to tackle the issue that had been c
devolution. This was the introduction of English privilege for MPs on Engli
in Parliament. Under EVEL, English-only matters must have a majority of E
in order for it to become law, in order to limit the power of non-English MP
to increase the power of these MPs, critics argue that this reform has failed t
Question. Since EVEL has since been abandoned, the question of whether to
Parliament remains. Supporters of this argue that it will provide an institutio
Welsh Assembly and Northern Ireland Assembly, which deal specifically w
English Parliament considered, would be separate with central governmen
work alongside in a similar way to these institutions. Do you think this is a
West Lothian Question?

Problems with Devolution

1. Devolution risks the disintegration of the UK and the end of unified government. This has been highlighted by the 2014 Scottish independence referendum. Although what resulted was a 'no' vote, over 40% of the votes resulted in 'yes'. Areas such as Glasgow voted for independence. To carry on devolution policy would only encourage opinions shifting away from a United Kingdom.



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2. It challenges the sovereignty of the UK Parliament. Parliamentary sovereignty is a pillar of the UK constitution and any threat to it therefore threatens the constitution. As devolution challenges this, as power is inherently handed to dev Parliament, devolution is harmful to the principles that guarantee Brit the Scotland Act 2016, which gave Scotland tax-varying powers as wel over some areas, including social welfare benefits.

3. There is little public desire to see devolution extend to England. This is and Wales were both made devolved powers on the basis of a democr for example, the 'no' vote against independence was almost 11% highe turnout in combined authority elections also supports this – in 2017, o not turn out to vote. An English Parliament would not enhance demo

4. It will cause conflict between devolved government and central gover particularly important with regard to the proposed creation of an Engl carries out its roles effectively and has provided for all parts of the UK devolved parliaments will only complicate their work.

5. The cost to the UK taxpayer will be unfairly balanced. This has alread powers handed to Scotland and Wales. Given that the United Kingdo grossly undemocratic and unfair to provide tax relief to certain memb

6. The services that exist in the UK will become patchy and uncoordinat differences between Westminster, Scotland, Wales, Northern Ireland a difficult to distinguish these differences for ordinary citizens, and this extended devolution.

7. There are major problems when the party in power at Westminster di
devolved assemblies. Policy coordination is improbable given that th
in Scotland, for instance. The Conservatives are in power in Westmins
opposed the independence of Scotland, so there is obvious conflict of
governing parties.

8. There has been a failure to effectively introduce l[illegible]overnment reform
government reforms since 1997 shows this. The 'No' vote in the referend
Assembly in 2004 meant that the [illegible]ment has pursued localism and
both of which have co[illegible]e a energy and have often not been adopte

Argumen[illegible] Devolution

1. The economy of the region will have distinctive features, best handled
example, economic output per head in Greater London was over £43,0
£18,000. Such a difference in wealth in different regions suggests that
differently to benefit the most people.

2. Devolution addresses the special culture and history found in differen
Parliament, for example, has the devolved power of preserving nation
has verbally committed to protecting these from the cuts made by the

3. The central government would be in charge of deciding the powers o
ensures that devolution will not go too far and threaten the unity of th

4. The West Lothian Question is not a major political issue in England. M
politics and economy is already dominated by England anyway, and
reduce this dominance more than anything else.

5. Some areas such as Scotland may already have their own distinctive fe
educational system and religion.

6. Devolution takes the argument for independence away from national
influence. This is emphasised by the success of the Wales referendum
population voted in favour of further devolved powers. This has mean
no desire in Wales for independence.

7. It increases the spread of democratic principles and local democracy. T
political system for ordinary citizens as MPs tend to be closer to them
beneficial for increasing direct democracy.

8. Regionalism is beginning to have the desired effect of increasing acces
The current government has been the most successful in introducing d
large geographical areas. The continuation of this will enhance democ
the ability of citizens to access UK politics.

Talking point

Do you [illegible]volved English Parliament would be go

How Significant have Constitutional Reforms been since

Should We Criticise These Constitutional Reforms?

Criticisms that these reforms have been unhelpful for the unity of the poli for some time, and other widespread criticisms were that they lacked who coherence. These criticisms have been applied to ma[illegible]f the reforms put Conservative / Liberal Democrat and Conservative governments over the that too little thought is given in ma[illegible] to the knock-on effects or how whole. This also explains why so many proposals seem to be abandoned p legislative process. There was little thought, for example, given to the effe an unwritten constitution on the devolution settlement.

Positive Points

While many of these opinions have a basis, it is also true that the reforms b represent the most major constitutional changes for over a century. The st committee on constitutional reform, of the temporary inclusion of the Libe Cabinet committee, and a Department for Constitutional Affairs (later for commitment to the process. The programme of the 2005 Labour Governm to settle the matter of the House of Lords, and a consideration of the positi critical Richard Report of 2004. The fact remains that in the space of a few Northern Ireland did received devolved powers with new voting systems whose powers were greatly increased in 2006, and a Greater London Asse referendums in several parts of the UK for local mayors and even one for a in the North East. The **Constitutional Reform Act 2005** meant that a Supre remove the political power of some senior judges, the judicial powers of th curtailed, the Human Rights Act and Freedom of Information Act have be rights of all hereditary peers in the House of Lords seem likely to be compl There has been an extension of powers to the governments of Scotland and a movement to give metropolitan areas outside London significant new po have been introduced and a referendum in 2016 has led to the UK decidin reforms have lacked an overall plan, they have nevertheless represented a government attitudes to constitutional reform.

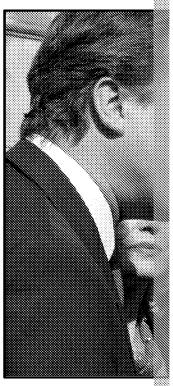
Case Study 1. New Labour Government and Modernisation, 1997-

New Labour had a mixed record over constitutional reform in an attempt modernise its contents. They were primarily focused on modernising som the principles of Parliament to make it more democratic. They were initial successful in doing this. The House of Lords Act 1999 saw over 600 heredi peers in the House of Lords reduced to 92. This was seen as much more democratic as Lords could no longer be appointed based on their bloodlin also balanced the party support in the chamber, which had been dominate by Conservatives. The Lords today are much more representative of ideologies in the UK. The next reforms that were proposed on House of Lo reforms would be emblematic of constitutional reforms in the past 20 years. Ther were several bills that were drafted on the powers of the House of Lords, b the two chambers disputed what the next stage was to be. Ultimately, non these reforms was passed, and reforms to the chamber continue to stall.

Similarly, reforms to the House of Commons were few and far between, a
New Labour had proposed several reforms to the chamber in order to den
success was the introduction of a Backbench Business Committee, which h
so that they can represent their constituents during debate. However, ther
that could be considered successful. New Labour made amendments to Pr
this has done little to hold the executive any better to account than it did.

Case Study 2. Coalition Governm[illegible] Constitutional Reform 20

Deputy Prime Minister Nick Clegg came into government in 2010 promisi
British democracy since the Great Reform Act of 1832. The Conservatives
on a proce[illegible]form that could have led to a mainly elected House of Lo
House of Commons, changes to the ways political parties were funded an
of MPs in Parliament while ensuring the size of the electorate in each cons
None of this happened, mainly due to arguments between the two coalitio



David Camero
(right – Libe
leade

Reforms were achieved in other areas but they do not add up to what Nick Clegg promised in 2010. The Fixed Term Parliament Act 2012 saw the removal of the prime minister's power to choose the date of the next general election, but it failed to achieve its aim and was ultimately repealed. The Succession to the Crown Act 2013 changes the rules on the succession to the throne by replacing male preference primogeniture with absolute primogeniture. The Electoral Registration and Administration Act 20[illegible]ee[illegible]s up the process in changing from household to individual registration. The Police Reform and Responsibility Act 2011 transferred control of police forces from police authorities to elected police and crime commissioners. The first elections fo
when the t[illegible] was extremely low. The Welsh Assembly was given incr
following a referendum held in 2011, and the Wales Act 2014 transferred s
Act also authorised another referendum which allowed the assembly to va
boundaries if the electorate vote for it. The Recall of MPs Act 2015 allows a
an MP is sentenced to a prison term or is suspended from the House of Co
the petition is signed by at least 10% of local voters, then the seat is declare
by-election. The recalled MP is allowed to stand in the by-election.

The failure to deliver on the headline reforms is likely to be what the Coaliti
for. The commitment to give the electorate an opportunity to decide whethe
electoral system used to elect the House of Commons was clearly a demand
Conservatives supported the present system of FPTP but felt they had to giv
Liberal Democrats to agree to the reforms they wanted, such as redrawing t
and reducing the number of MPs. The Conservatives would only go so far b
referendum but with the choice of voter being between AV and FPTP electo
Democrats have always campaigned for a PR system, preferably STV, but felt the
electorate, therefore, had only a choice between two majority electoral syste
May 2011. The campaign was marked by the prominent role the Conservati
the AV system as 'costly, complex and supported by Clegg' with little atten
democracy aspects. On a turnout of 42%, the electorate voted 68% to 32% no

Part of the coalition agreement was to introduce proposals for a wholly or
on the basis of proportional representation by December 2010. In May 201
Clegg tabled a draft bill. Following further discussion over detail, the Hou
introduced into the House of Commons for its first reading in June 2012. I
Upper House of 450 members, with 360 being elected and 90 (including 12
being appointed on a non-party basis by an independent body. Members
renewable terms, but there was no mention on the
present system being used in the House of Commons. By August 2012 the
the bill, mainly because so many Conservative backbenchers were unwillin
Democrats were furious, claiming the Conservatives had broken their con
honouring the coalition agreement to House of Lords reform. As a result, the Libe
withdraw support to equalising the size of constituencies and cutting
from 650 to 600, a measure the Conservatives were very keen to see.

Nick Clegg had no better luck in trying to reform party funding. In 2011, th
Standards in Public Life recommended political parties should accept a lar
return for not accepting 'big money' donations. This committee was very c
large donations were perceived as distorting the political process through b
strength of the argument, Clegg could not get his Conservative coalition pa
accepting large donations, nor would the Labour Party give way on receivi

Case Study 3. The Impact of Brexit

As we have already seen, Brexit poses massive constitutional questions fo
European Union means abandoning a major aspect of present-day UK con
essentially returns the UK to the situation that existed in 1972, before it be

Unanswered questions remain regarding the impact of Brexit on individua
Conservative Party sought to introduce a British Bill of Rights, which wou
greater authority than the European Convention on Human Rights allowe
countries in Europe enjoy the same freedoms to travel, work and live in th
committed to upholding freedom of movement.

One of the most significant constitutional consequences of Brexit has been its impact on devolution. The original devolution settlements for Scotland, Wales and Northern Ireland were underpinned by EU law, with provisions stating that devolved legislation was invalid if it conflicted with EU obligations. Following Brexit, these frameworks required adjustment – yet Westminster's efforts to centralise certain powers through legislation like the UK Internal Market Act 2020 have sparked considerable resistance from devolved governments. Cooperation has remained limited, particularly given ongoing political divergence: Scotland and Northern Ireland voted to remain in the EU, and tensions over constitutional authority persist. Calls for a second Scottish
continue, while in Northern Ireland nationalist support has grown, fuelling r

Rather than
clear end in

Should the UK Adopt a Codified Constitution?

Context

The codification of the UK Constitution has arguably already begun with th
taken place. We now have a clearer separation of powers with the creation o
rights are written into UK law, partly resembling the American Bill of Rights
Constitution remains uncodified, which can be seen by its several locations a
still unwritten; for example, in conventions. The arguments in favour of an o
associated normally with broader debate surrounding the codification of

Arguments in favour of fully codifying the UK Constitution include:

- ✓ There would be more clarity on authorities acting unconstitutionally so
more easily. It is hard for ordinary citizens to know exactly what is and
given that some points are unwritten norms that theoretically have no b
ensures that politicians must comply with the constitution.
- ✓ A separation of powers would be set out in terms of its principles, and
dictatorship by increasing the power of Parliament and the judiciary in
would help prevent the elective dictatorship that has been allowed to o
defined power balances.
- ✓ Governments will have to plan constitutional amendments more intens
been taking place since 1997 have arguably been haphazard and have r
Codification would make the constitution more difficult to amend so o
allowed to be implemented.
- ✓ An entrenched bill of rights would go further in protecting the rights o
mean that the protections against the states cannot be compromised eas
occurred with surveillance after 9/11.
- ✓ It would modernise the constitution and remove outdated principles w
fresh opportunity to assess all aspects of the constitution and remove u
including the appointment process of the House of Lords.
- ✓ The question of sovereignty would be answered better as it would be w
throughout. Reforms since 1997 have threatened the principle of parlia
by handing power to the population, the Supreme Court and the devol
- ✓ There would be more access to constitutional matters for citizens, incre
citizens, for example, have a much better idea of the contents of their c
also encourages political participation in general.

It is important to know and understand these arguments and, even better, t
knowledge of the American Constitution to emphasise your points. You mu
arguments that suggest that the UK Constitution should remain uncodified.

- ✗ The constitution would be too rigid in times of emergency when fast ac
Constitution, for example, has been amended only 27 times in its existe
amendment makes it outdated and impractical for times of sudden cha
- ✗ An unentrenched constitution can adapt to changing ideas and culture
hundred years that Britain has had a constitution, society has become a
Parliament in place of a monarch and has increased the liberties of citiz

- ✗ Power would continue to be placed with those who have been elected, r
judges. A separation of powers would give more political authority to t
therefore, threaten the representativeness of government, harming dem
- ✗ The Human Rights Act is written into UK law so has all the advantages
protected by the Supreme Court and written into statute law, and it is, t
as rights would be in a codified constitution.
- ✗ Governments can carry out their manifesto promises more easily becaus
With bigger majorities, governments with clearer mandates can make ar
proposed before entering office without undemocratic restraints.
- ✗ It would be hard to decide who should write it and might place huge
undesirable authorities. For example, if a single government were char
constitution, how is it fair that their legacy over one term would outline UK government for hundreds of years to come?
- ✗ Brexit has shown that our relationship with international bodies is constantly changing. There is no guarantee that what we decide to codify will always be the case.

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Talking point

Which of these arguments for and against are the most importa