



Politics

AS / A Level | Edexcel | 8PL0/9PLO



Course Companion for A Level Edexcel

Component 2: UK Government

Parliament

2026 Edition

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Teacher's Introduction

Welcome to your course companion for the subject of Parliament for the AS and A Level Edexcel Politics specifications. In this pack, you will find chapters that cover all the key topics:

- 2.1 The Structure and Role of the House of Commons and the House of Lords
- 2.2 Comparative Powers of the House of Commons and the House of Lords
- 2.3 The Legislative Process
- 2.4 The Ways in Which Parliament Interacts with the Executive

Remember!

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

There is a combination of learning objectives, key terms, exam tips and talking points for students and more extensive points made throughout that will help students to develop their understanding of Parliament.

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 Parliament, this includes (but is not limited to) political developments since the 2017 general election, the advancement of debates surrounding the strength of parliamentary institutions, 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 reflect developments including, but not limited to, the political context since the 2019 general election, new legislation passed by Parliament, and the changing approach of the House of Lords.

Fourth edition, January 2026

Updated examples throughout, including an overview of the Commons following the 2024 election and new examples of weak mandates and the impact of majorities.

2.1 The Structure and Role of the House of Commons and the House of Lords

Learning Objectives

- ✓ Learn about the structure of the House of Commons.
- ✓ Learn about the nature and role of the houses of Parliament.
- ✓ Understand the debate surrounding House of Lords reform.
- ✓ Understand the arguments surrounding the representativeness of Parliament.



Key Terms

Parliament	An assembly with the ability to make laws. In the UK, Parliament consists of the House of Commons and the House of Lords.
House of Commons	The primary chamber within Parliament. It is the lower chamber and represents their constituents, who elected them into their position.
House of Lords	The secondary chamber within Parliament. It is the upper chamber and its members are appointed to their position, so they are not directly representative of the public.
Parliamentary privilege	The idea that members of Parliament are exempt from legal action for anything said or done in the course of their duties, exercised in the absence of restrictions on speech.
Party whip	A member of a political party whose job it is to make sure that their constituents align with the party's position on a question. They attempt to ensure this by using their influence.
Life peers	Members of the House of Lords appointed by the prime minister for life.
Hereditary peers	Members of the House of Lords who inherit their seat.
Bicameralism	A system of government where there are two legislative branches.
Legislature	The lawmaking branch of government.
Adversary politics	The idea that the party or body in opposition is designed to check the government rather than to work alongside.
Consensus politics	The idea that parties in Parliament should work collaboratively to perform their function effectively.
Backbenchers	The majority of MPs that do not sit in the front of the House of Commons and are not ministerial or shadow ministerial.

Parliament is the oldest legislature in the world, dating back to the eleventh century. It consists of two elements: the House of Lords, and the House of Commons. The House of Commons performs the political tasks. Because it has two houses, it is known as bicameralism. You will see, its role is more than just legislating. All the roles of Parliament are covered in this section. **Legislating**, by the way, refers to the role of Parliament in approving government bills. A bill cannot become a law unless it has been approved by Parliament on behalf of the people. You will also see questions on Parliament, especially as there is much debate as to whether Parliament performs its functions properly today. Before that we'll make sure you understand broader issues.

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Adversary and Consensus Politics



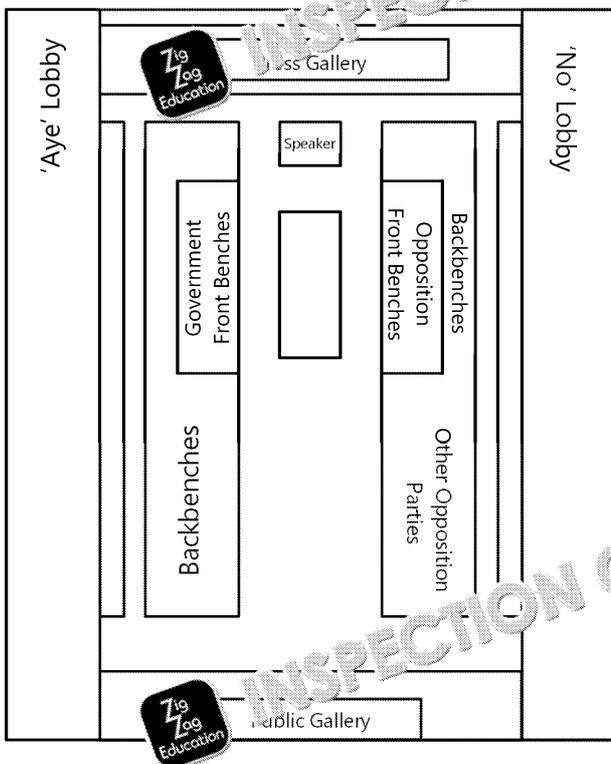
Let's remind ourselves that the name given to the way politics is conducted in the Westminster Parliament is **adversary politics**. This means that the role of the party in opposition is to challenge other parties in opposition to the party in government. **Consensus politics** is a system where all parties work together, at least on a national level, for the benefit of the nation as a whole. Adversary politics largely ended in the UK in the 1990s.

(although some would contend that it was revived during the 2000s due to the rise of the Labour Party). What do you think are the positive and negative aspects of this way of conducting politics?

The Structure of the House of Commons

General Structure

The House of Commons is the directly elected chamber within Parliament. Each member has constituents who have decided to put them in their position, and they are therefore, to address the needs of their constituents in order to carry out their duties in the House of Commons. Each MP represents one constituency by being elected by their constituents, though the number is not permanently fixed and has been discussed for reform by every government since 2010. A governing party, therefore, needs a majority government.



Thinking
How might the House of Commons contribute to adversary politics?

Did you know?
The 'Aye' Lobby is where a vote is called and the chamber divides into 'Aye' and 'No' to show their vote.

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Frontbenchers

Both the government and the opposition in the House of Commons contain a diagram above shows, they are creatively given their name because they sit centre on either side of the chamber. In government, frontbenchers are ministers, they are shadow ministers. It is worth becoming familiar with some frontbenchers in the chamber as they are likely to be the most influential. A significant example of UK politics. Some examples of frontbenchers are the Prime Minister, Chancellor and Home Secretary. The shadow ministers for each of these ministers who sit on the frontbench on the other side of the chamber are the Leader of the Opposition, Shadow Chancellor, Shadow Foreign Secretary and Shadow Home Secretary.



Backbenchers

These make up the majority of MPs in the House of Commons. There are 550 backbenchers that make up both sides. They represent a political party and have recently been active in daily politics, partly due to the introduction of a Backbench Business Committee which can now say over debate topics in Parliament. While backbenchers are in a sense less active in everyday politics than frontbench ministers or shadow ministers, there are exceptions. Jeremy Corbyn was a backbencher and enjoyed a very quick rise to leadership of the Labour party members voted him in when he had been considered an outsider. Sir Iain Duncan Smith, MP for North East Somerset, had been a relatively anonymous backbencher in the Conservative Party for several years prior to his elevation to the front bench in 2010. His popularity among the party membership.

Party Whips

The party whips have a far greater importance in Parliament since the 19th century. The parliamentary system of government in the UK is based on a coalition of parties. It is essential for party leaders find some means of keeping their supporters united and loyal. The job of the whip is to ensure support for the party, especially when voting on legislation. The government often finds itself with a small working majority, as did John Major between 1992 and 1997 and Theresa May between 2017 and 2019. The experience of coalition in 2010–11 was particularly problematic because both sets of party whips had to ensure support on a range of compromise positions. The slightest move away from tight voting along party lines could lead to a vote of no confidence for the government and the possibility of a vote of no confidence, as happened in 1992. Party whips in Parliament have pressures in several directions, not least the loyalty they owe to their party and the interests of their local constituents, and on a crucial vote the importance of the whip.

The two main parties each have about 12 whips, led by the Chief Whip. It is the job of the Chief Whip to issue a 'documentary whip', which indicates to all their party members how important it is to vote on a particular issue. A Member of Parliament who ignores a three-line whip would be in breach of party discipline. A whip is a written note by the Chief Whip to an MP underlined three times, making it difficult to ignore. The whip is vital. It is also possible for members to be 'withdrawn' from the whip, which means they can no longer sit in Parliament as members of that party. Boris Johnson withdrew the whip from 21 Conservative members after they defied him to extend the Brexit deadline.

Whips are also said to offer Members of Parliament incentives to vote correctly. They are also the key to appointments to select committees. Another key role of the whip is to ensure that members of the party are present at important votes.

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between the party leadership and the backbenchers, advising policymakers among their supporters. This is particularly important, given the permanent defy the party whip and vote against their own party, as they did through the Withdrawal Agreement from the European Union.

Talking Point



Why might the impact of party whips have declined in recent years?

Case study: Gavin Williamson

Gavin Williamson was an unheard of name before November 2017, when he was appointed Defence Secretary after the resignation of Michael Fallon. Williamson had been an active backbencher since 2010 and had been a member of several groups and committees.

In 2016, when Theresa May became Prime Minister, she appointed Williamson as **Chief Whip** of the party. He served in this role for a little over a year. You would expect that as Chief Whip he would have to use various 'carrot and stick' techniques to ensure that Conservative MPs were aligned in their voting patterns. Well, from what has been said of him inside Westminster, he used fear more than rewards to achieve this.

- Williamson said that he preferred the carrot to the stick, 'but it is amazing what can be achieved with a sharpened carrot'.
- An anonymous frontbencher described him as a 'top of your head off kind of guy' upon his appointment to the department of defence.
- Williamson kept a tarantula spider named Cronus, probably to intimidate MPs in his office. Cronus is the name of a Greek titan who ate his own children.

The Speaker of the House

The Speaker in the House of Commons has several key duties. This is mainly to manage debate in the chamber and ruling on parliamentary rules and procedures. Although they will have been an MP in a party before they took on their new role as Speaker, they must give up any party affiliation to ensure that they remain impartial. Conventionally, speakers are not challenged for their seat by other MPs. They may approach their role in different ways, but their goal should be to uphold British values.

John Bercow

John Bercow was the **Speaker of the House of Commons** from 2009 to 2019.

He had a reputation for promoting backbenchers' rights to hold the executive to account and for 'taking MPs off' when they became too rowdy during debates. He was considered to have played a significant role in allowing scrutiny of government policy during the Brexit debate of 2019, and spoke out against the controversial prorogation of Parliament in September of that year, angering the government.

Bercow was a member of the Conservative Party before he took office in 2009. He was accused of having shown any favouritism to his old party while in the Speaker's role. He resigned in October 2019, and was replaced by Sir Lindsay Hoyle – previously a Labour MP.

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The Structure of the House of Lords

General Structure

The House of Lords, unlike the Commons, is not made up of members elected public. This is why we call them peers rather than MPs. As of January 2022, there are 270 members of the House of Lords, though this number changes frequently, and far more than the House of Commons. Notice that the House of Lords is not larger than the House of Commons. Think the consequences of this matter? At the time of writing, there are three types of peers that currently make up the chamber: hereditary peers, life peers, and Lords Spiritual.

Hereditary Peers

Hereditary peers are members of the House of Lords who have inherited their title (though they have to go through an election involving other hereditary peers to make up the majority of the chamber. At the end of the last century, there were 725 hereditary peers in the house. That's almost the size of the entire chamber today! The Labour government changed everything in this aspect. Hereditary peers, by their nature, were seen as a symbol of the undemocratic practices in Parliament that had been allowed to continue over time. Therefore, in an attempt to democratise the chamber, Tony Blair's New Labour Government removed all of the hereditary peers except 92. By-elections are now held after most of these peers die or resign, in which other hereditary peers choose who will sit in the chair from a number of candidates. The House of Lords (Hereditary Peers) Bill is expected to remove the remaining hereditary peers in 2026.

Life peers

Life peers are members of the House of Lords who have been appointed by the monarch for life. Life peers currently make up the vast majority of the chamber, the Lords' composition in 2022. They are recommended to the House of Lords Appointments Commission to remain in the house. This is outlined under the **Life Peerages Act 1958**. Cameron's final acts as prime minister was to appoint 13 new peers to the House of Lords, including Andrew Fraser, who had been Treasurer of the Conservative Party. This highlights the simplicity with which prime ministers have the tools to appoint peers to the House of Lords, explaining why most of the chamber is made up of life peers.

Lords Spiritual

Spiritual peers are members of the House of Lords who have been appointed by the monarch by divine right (these seats are reserved for specific bishops of the Church). They form a small section of the House of Lords – there are only 26 Lords Spiritual in the chamber. The Archbishop of Canterbury and the Archbishop of York, along with 24 bishops of Durham and Winchester, make up the rest of the group.

The Impact of the Life Peerages Act 1958 and the House of Lords Act 1999

The House of Lords has been criticised for being undemocratic due to the fact that it is not elected. However, gone through a period of transformation due to these acts, however. The monarch is now no longer a majority in the chamber. This is particularly relevant under the current government as hereditary peers were overwhelmingly Conservatives. But the Life Peerages Act 1958, in the case, by making sure that the dominance of life peers is avoided. This means that prime ministers are more likely to appoint Labour peers and Conservative prime

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appoint Conservative peers. This transformation has limitations, however, the House of Lords can truly be considered representative will be explored

Explaining the Roles of Parliament

We will discuss the individual functions of each chamber later in this course, but we will first look at several roles and powers that vary between the two houses. There are, however, some roles that both houses attempt to carry out in different ways.

Legislation

The main role of Parliament is to make laws. This is the same for all legislatures in the world. The chief law-maker within the state, and both houses should have a hand in creating legislation. This is called the **legislative process**, which, again, we shall return to later. What you should know for now is that when laws are being discussed with either chamber, the law is called 'legislation'. If or when it is passed, it becomes an Act of Parliament. A main function of Parliament is for the House of Commons and the House of Lords to pass legislation. Over 2000 Acts of Parliament were introduced in 2016 alone. This is known as 'primary legislation', but this is not the only form of legislation; secondary legislation, known as 'regulations or instruments', is made and granted by ministers. These laws and regulations are made in exercise of parliamentary authority but are scrutinised by a parliamentary committee.

The House of Commons has a greater role in the legislative process than the House of Lords, but they are both involved. The lower chamber is responsible for initiating legislation, and its members have been directly elected have a mandate to do. The House of Lords is also primarily responsible for legislating, but this tends to be a more secondary role. It cannot initiate, but it can propose amendments or reject a bill passed to it from the House of Commons. Even if the Lords do this, the Commons is not legally obliged to accept any amendments. However, if the Lords reject a bill, the Commons can also amend or repeal acts that have passed. This falls under its role of legislation.

Scrutiny of the Executive

Most parliaments have a number of roles and when they perform those roles they are held accountable by the people for those roles, and what you'll need to do is to decide which of those roles they are doing well (or badly). In the UK, Members of Parliament have been elected to the House of Commons to represent their constituents, and can, therefore, be removed by voters if they are not doing the interests of those they are representing. Parliament is expected to scrutinise the government, which means basically that it is expected to keep a careful eye on what the government is doing on behalf of the people about its policies. It does this in a number of ways, and whether it does that effectively is another matter. Take particular note that the leader of the opposition, who has the second largest number of seats is expected to form an **Official Opposition**, whose role is principally to question the policies of the government. The Commons has a number of similar platforms and techniques to scrutinise the executive. Some are listed below.

Ways in Which Parliament Can Scrutinise the Executive

- Through **select committees** and **standing committees** that scrutinise the government.
- Through **ministerial questions** and **Minister's Question Time**.
- Through **debates** in the House.
- Through **Early Day Motions**, where MPs can state their views without a vote.
- Through **writing** to ministers.
- Through an **official opposition**, whose role is to scrutinise government.
- At present, through the **House of Lords**, which scrutinises legislation.

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Parliamentary Questions in the Commons are a key part of the day's business. They are asked of government ministers at the beginning of the day, and are a way of holding the government to account. They are a very real scrutinising role, and are a key function of making the government accountable to the electorate.

© The House of Commons. Reproduced with permission.

Legitimising

If Parliament is able to scrutinise the government effectively, and it is seen to do so, it can legitimise the government's actions. For example, when Parliament took military action, as it did regarding Syria in 2013 and 2015, the resulting legitimacy was greater than when the executive (although also democratically elected) did in 2018 in launching a strike on chemical weapons facilities.

Debating

Parliament is also expected to **debate (deliberate on)** important issues publicly as part of legislating. The party that has the majority of seats in the House of Commons supports government bills as they go through, and the opposition questions the content of those, again, on behalf of the people. This leads us to one of the most important roles of Parliament – legislating, or making laws. You can see below that there is a process to this and that no statute law can pass unless it has the approval of Parliament. Parliament is able to prevent government passing laws it wishes to.

Providing Ministers

Government ministers are recruited by the prime minister – using patronage – and are appointed to either the House of Commons or the House of Lords. This allows them to represent the public in both chambers. Ministers have an opportunity to prove themselves with a good record (including good scrutinising in committees, proactive roles in debates and acting as a good representative) and conducting themselves personally in the right manner before the public. The ability of the chambers to carry out this function has been declining in recent years for a number of reasons. It has been argued that it is now more important to be a good committee member than it is to have had a good parliamentary performance. There are also questions about the declining experience of MPs and ministers, as well as loyal MPs rather than those who are being rewarded with ministerial positions. Remember, the prime minister is appointed on merit but also on political balance, which can also be a route to appointment.

Representation and Legitimising

Representation refers to the way that Members of Parliament should look like the people they represent. We've already said a great deal about this in Component 1, but here we ask whether or not Parliament is able to represent properly. For one thing, the UK is not a democracy in that one of its houses – the House of Lords – is not at present elected, and does not represent the people in the normal sense of the word. As we saw in Component 1, the first-past-the-post system has a number of problems to do with this. And do the Members of Parliament really represent the UK population, given that so many are white, middle-aged males?

Talking Point

Write a piece arguing either for or against the view that Parliament is not representative of the UK population.

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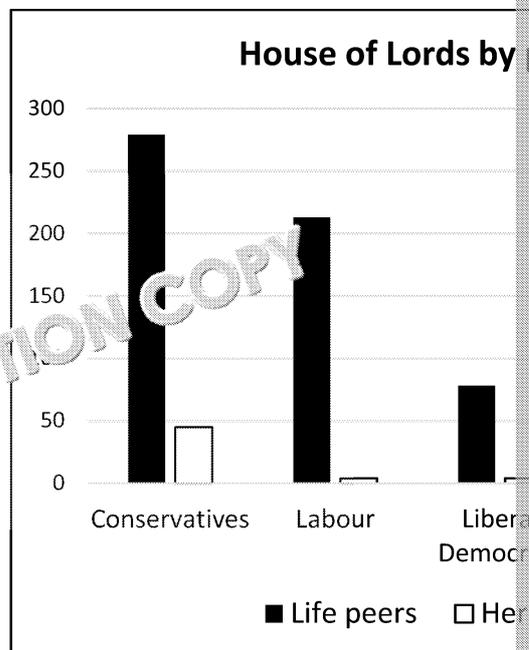
How Representative is Parliament after the 2024 General Election?

The House of Commons and House of Lords have long had a reputation for being unrepresentative of different social groups in society. They have tended to produce white, middle-class members and peers, and demographically the representation of women, ethnic minorities, and the LGBT (lesbian, gay, bisexual or transsexual) community has been poor. However, the House of Commons is now much closer to being **demographically representative**: 10% of the House of Commons now has an ethnic minority background, compared to 14.1% of the electorate, and the House of Commons is slightly *over-represented* proportionally in Parliament.

The representation of women continues to improve, with women now 40% of the House of Commons – a new record in parliamentary history. However, there are still 60% of women needed to constitute half of Parliament to finally achieve parity with the electorate.

The House of Commons must also strive to be **geographically representative** of the country. Constituencies are generally relatively equal sizes, but it has been brought into question as to whether some areas are over-represented.

Demographic representativeness is less of a formal function for the House of Lords. The main work that has been done to diversify the upper chamber is through changing its makeup: the Life Peerages Act 1958 and the House of Lords Act 1999 have reduced the extent to which the House of Lords is dominated by Conservatives and hereditary peers. The House of Lords (Hereditary Peers) Act due in 2026 will complete the push towards making it more **politically representative** by removing the remaining hereditary peers. These peers, as the chart shows, are highly imbalanced ideologically, but as the majority of life peers, their lack of party majority means that the House of Lords is more representative of the population.



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2.2 Comparative Powers of the House of Commons and the House of Lords

Learning Objectives

- ✓ Learn the individual powers of the House of Commons and how they affect the House of Lords.
- ✓ Consider the main functions of the House of Lords, with particular focus on the right to insist.
- ✓ Understand the differences in the relation of power between the two chambers.
- ✓ Prepare to discuss the main arguments arguing that each chamber is more powerful.



Key Terms

The Parliament Acts	Acts of Parliament in 1911 and 1949 which limited the delaying power that the House of Lords could impose on the legislative process.
Right to insist	The idea that the House of Commons has legal authority to ignore bills rejected by the House of Lords.
The Salisbury Convention	An unwritten part of the Constitution which outlines that the House of Lords should not interfere in any bills related to manifesto policy.
Financial privilege	The House of Lords cannot interfere in any bills drafted by the House of Commons related to money in any way.
Secondary legislation	Laws made by the government that do not require parliamentary approval.
Reasonable time	A convention which ensures that governments should pass bills within a reasonable time.
Confidence and supply	This refers to the requirement that a government majority is maintained in the House of Commons on issues of confidence and supply, such as the budget.



Why is the House of Commons the Most Powerful Chamber?

The lower chamber in Westminster, the House of Commons, is said to be the most powerful of the two houses in terms of legislation. Both houses have key functions that they perform, such as debate, providing ministers and political representation. The most important function of both is to make laws. They have different resources and powers available to them. Some of these powers put the House of Commons in an advantageous position compared to the House of Lords, and the main exclusive powers of the lower chamber will be discussed in more detail.

The Right to Insist

The House of Commons has the power to overrule judgements on legislative matters made by the House of Lords. The **Parliament Acts 1911 and 1949** outline the powers of the lower chamber. In 1911, the Lords' ability to veto legislation was reduced to two years, and this time was reduced to one year. In the centuries before, the House of Lords and the House of Commons have been essentially equal to the House of Commons, other than the fact that the House of Lords had in it the executive who would present legislation.

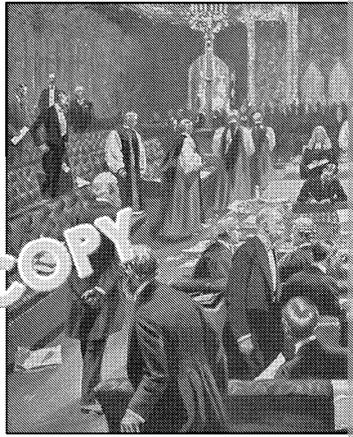


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The Parliament Acts handed power to the lower chamber over legislation. It meant that the Lords' ability to influence legislation had been limited. It became a chamber that could examine rather than a chamber that could truly have a hand in what did and didn't become law. It is true that the House of Lords maintains the right to amend, but it can outright reject legislation passed by the Commons. However, it is limited significantly in what the Commons can accept or reject. These amendments. A good example of this is the Withdrawal from the EU (Article 50) Bill – associated with Brexit – which was rejected by the Lords. The amount of time that bills can be vetoed increases the inability of the Lords to legislate in the Commons.



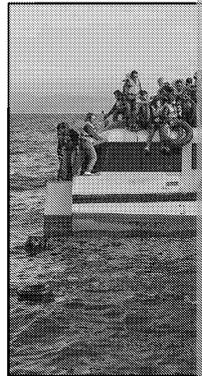
The House of Lords voting

Financial Privilege

The House of Lords is also limited on what it may or may not amend or reject. An example of such a limitation is on financial matters. Though the Parliament Acts gave this exclusive power, the House of Commons has had financial primacy through the Acts in 1671 and 1678 gave the sole right of the lower chamber to deal with 'aids, taxes, and government spending. Everything relating to money – which the Commons can argue that most bills in some way are affected by or will affect – can be amended or rejected by the House of Lords. This means that when a bill passes through the legislative process, the Commons retains its financial privilege and effective

Case Study - The Refugee Crisis 2016

The refugee crisis, in 2016 involved an influx of people fleeing war and atrocity in different regions of the world into Europe. The House of Commons attached financial privilege to a bill which voted against letting 3,000 unaccompanied refugee children into the UK after it became apparent that the House of Lords would amend the immigration bill to allow these children to enter the UK. They were accused of 'shabby tactics' and abusing their power.



Financial privilege is, therefore, significant as it further limits the power of the House of Lords. As the case study shows, it makes this specific power very vague and how broadly it can be used.

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Manifesto Policy

The House of Lords is also restricted on how it can act on bills related to a government's manifesto. Before the House of Lords Act 1999, there was a huge Conservative majority in the upper chamber, given that most hereditary peers were Conservatives. This limited the ability of Labour and other governments for 'deciding' on their manifestos. **The Salisbury Convention** is a convention which states that the upper chamber cannot reject bills related to the manifesto of the government. Remember, the government, if elected by a majority, has a mandate – the democratic authority to deliver on its manifesto promises based on the general will of the people. In this sense, the convention prevents the House of Lords from threatening democracy by getting in the way of the government acting in a way they have the legitimacy to do.



Jeremy Corbyn
June 2017 by
Conservatives

There has been some controversy in recent times as to whether this still applies. An obvious reason for this is that majorities are becoming an increasing uncertainty. In four elections in the 2010s, two resulted in hung parliaments, and another in a coalition. There have been cases in all governments since this time that the House of Lords has challenged manifesto policy and claimed that the government does not possess a sufficient mandate to pass legislation. An example of this is the 2015 challenge to the tax credit policy in the Conservative manifesto by the House of Lords. The Salisbury Convention would appear to have become common as mandates have become weaker. Another reason this convention might be increasingly common is that manifesto pledges. The House of Lords has included in the Police, Crime, Sentencing and Courts Act 2022, many of which were implied in the 2019 Conservative manifesto, rather than explicitly stated.

'Reasonable Time'

The convention concerning reasonable time dictates that Parliament must process legislation as quickly and efficiently as possible. While this is a requirement of the House of Commons, it is argued to be an exclusive power of the Commons. This is because it is more difficult for the House of Lords. The government in the House of Commons has authority to pass legislation in the lower chamber, whereas the Lords has no such power in the upper chamber. The House of Lords is even more restricted in relation to the House of Commons in that it cannot initiate legislation in the legislative process in order to try to block government legislation. Its power is therefore, hindered by a lack of time.



The Palace of Westminster

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Case study – Votes of no confidence

The House of Commons has the exclusive power to remove a government by a vote of no confidence. This means that the government must have the confidence of the Commons in order to stay in office. The most recent instance of a successful vote of no confidence was in 1979, when the Labour government led by James Callaghan lost by one vote, triggering an election. The most recent vote of no confidence was called by Jeremy Corbyn in January 2019; however, it was won by Theresa May and the government with the support of the 10 Democratic Unionist Party (DUP) MPs.



Powers of the House of Lords

The House of Lords, as we have discussed, has many limitations that the House of Commons does not share, and this makes the chamber inherently less powerful (in the sense that it cannot assume that this means that the House of Lords has no powers, as it can still act particularly with relation to scrutiny in the legislative process. It will be difficult for the Lords to be able to exercise this power, and how they have been increasingly able to do so in recent years.

Secondary legislation

Secondary legislation refers to bills becoming law without the formal consent of ministers, members of the House of Commons. But the ability to challenge secondary legislation increased in recent years. It is a convention that the House of Lords should not block primary legislation. This is nowhere near as clear-cut as the limitations of the Lords on primary legislation. Parliament Acts do not apply to secondary legislation, and the convention that the Lords should not block primary legislation alone does not ensure that secondary legislation should not be challenged. If the House of Lords has rarely blocked primary legislation and been fully successful, there have been instances where it has successfully blocked secondary legislation from becoming law. This is significant because it shows the House of Lords is able to scrutinise legislation of the House of Commons.

An example will help you to remember that secondary legislation is by its nature a power of the Commons, but indirectly provides an opportunity for the House of Lords to scrutinise the works of the government.

In 2015, then-Chancellor of the Exchequer George Osborne (right) claimed that 'constitutional issues' had been raised due to a defeat over secondary legislation. Against what the government had planned and without the consent of Parliament, the House of Lords voted to delay cuts to tax credit and child benefit for people who had been affected by it. The vote result was narrow – 289 to 275. This prompted Osborne to specifically point out the fact that unelected Conservative and Liberal Democrat peers had defied the will of the House of Commons, and therefore, the people. This was significant, and clearly challenged the authority of the government. The successful overturn of this policy highlighted the power of the House of Lords to challenge legislation of this manner from the House of Commons. ➤



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Political balance

It has briefly been mentioned that the **House of Lords Act 1999** helped to bring about change in the House of Lords. Before this Act of Parliament, there had been around 1000 hereditary peers in the House of Lords. These peers inherited their seats and were overwhelming in number. As a result, that, as the majority of the upper chamber, they were ineffective at carrying out their function of legislation on Conservative governments.

The House of Lords Act removed all hereditary peers and this resulted in life peers becoming the majority body in the upper chamber. The House of Lords has no party majority. Therefore, there is now no one party that dominates the chamber and peers are more effective at being able to scrutinise legislation. This is because governments must now rely on support from peers outside of their own party to pass legislation through the chamber.

Crossbenchers are also influential. Unlike any member of the House of Commons, this is a group of peers who do not identify with a political party, so bias does not affect their ability to scrutinise at all.



*Peter Heald
crossbencher*

Efforts had been made in recent years to reduce the size and partisanship of the House of Lords. The House of Lords Appointments Commission was set up to scrutinise appointed individuals with relevant expertise to become crossbenchers – non-partisan members. Theresa May's government sought to establish a new convention in which only one-third of the House would be replaced every two years that left, in an effort to reduce the chamber's size. However, much of this was reversed during Boris Johnson's premiership. Johnson made a large number of more appointments during his time in office, including awarding a peerage to a former minister without the advice of the Appointments Commission – a move without precedent.

Additional expertise

The House of Lords has some benefits of being unelected, even if this has resulted in the House of Commons being the most powerful chamber. The main power at the disposal of the Lords due to this is an increase of time and availability. For this, all you really need to know is that peers do not have to concern themselves with trying to get re-elected every few years and can focus on their other parliamentary duties. This suggests that the House of Lords is more effective at carrying out its primary function of scrutinising legislation because it can solely focus on this.

It is also often argued that peers should remain unelected because their expertise should not be traded for a legitimacy already found in the House of Commons. This is made possible mostly by the fact that the time they have available about their parliamentary business. Lords have more time to become familiar with legal, constitutional, domestic and foreign matters. It is also partly due to their experience, which is generally strong (remember, life peers dominated the upper chamber and they are in most cases in their seats for their entire life). This allows the House of Lords to gain what is known as **output legitimacy**. This means that while they do not have direct legitimacy as they have not been elected, their effectiveness in Parliament is increased because of the time and expertise in relation to the lower chamber. A note should be added to state that Lords are not politicians, meaning they can maximise their availability of time and expertise.

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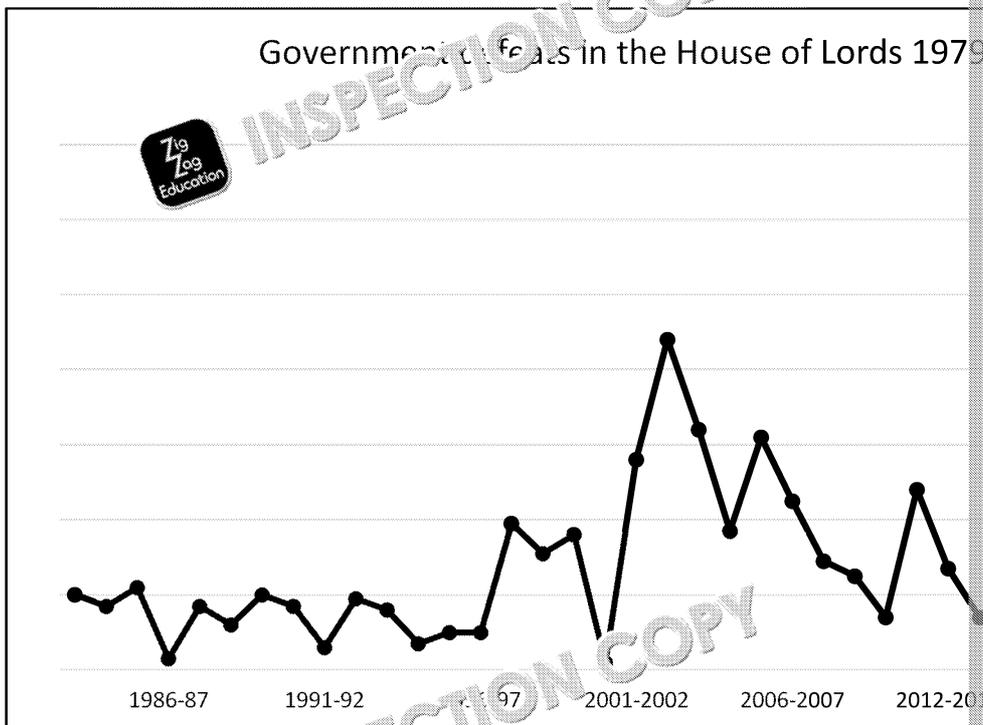
Weak mandates

Arguably the main reason that the House of Lords has increasingly felt able to challenge government legislation is that the authority with which it can deliver on its mandate from the general will of the people had been declining. Throughout the 2000s and 2010s, the political legitimacy of the early phases of the Thatcher and Blair governments disappeared in UK history. The following table shows the last five general elections in the table below:

Year	Party with most seats	Majority?
2005	Labour	Yes
2010	Conservatives	No
2015	Conservatives	Yes
2017	Conservatives	No
2019	Conservatives	Yes
2024	Labour	Yes

The Salisbury Convention is less certain when a mandate is weaker, as it can be seen that the unelected House of Lords is threatening democracy. As you can see, only in 2005 was a substantial majority reached. In recent years, this has given the House of Lords the opportunity to challenge legislation passed to it by the House of Commons. Labour's 2005 mandate pushed the pendulum of power back towards the Commons. Labour's manifesto proposals were challenged by the House of Lords given such a clear expression of the general will.

Is the House of Lords Becoming More Powerful?



There is little doubt that the House of Lords is increasing in terms of its effectiveness in blocking government legislation. The graph shows that the number of times the upper house has defeated the government over legislation recently is well above the historical average. The House of Lords Act 1999 as a turning point. Some reasons for this general increase are discussed. A lack of party majority as a result of the removal of hereditary peers is one of the main reasons.

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effectiveness of the House of Lords as a whole. Weakening mandates of government in the upper chamber the confidence to challenge legislation based on its own merits. The sharp spike seen in recent years can also be attributed to other factors, particularly the need for the Government to gain the support of crossbenchers for many of its proposals.

However, government defeats in the Lords do not mean that the government is unable to pass legislation. The Lords will usually give way after a limited number of defeats earlier in the year. Some have argued that the only way that the reform of the House of Lords will be properly carried out is by electing government legislation to be passed by an elected second chamber. Many claim that the relatively successful reform of the House of Lords in 2015 has gone far enough. However, the reform of the upper chamber has been stalled for too long. The current system of Lords argue that to take away the appointment system would reduce the resources available to peers that make them effective scrutinisers, such as time spent on political parties. Do you think an elected second chamber would be better than the current system? Would it be better than the executive?

Talking Point



Can the House of Lords now be said to be as powerful as the House of Commons?



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2.3 The Legislative Process

Learning Objectives

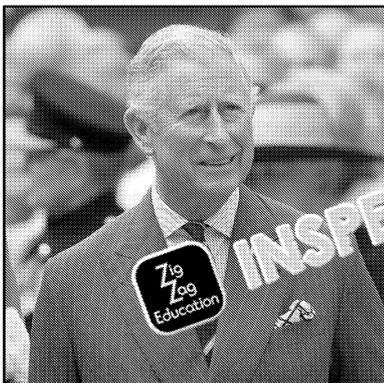
- ✓ Know the different stages of the legislative process from the first reading to the final stage.
- ✓ Understand the roles of the House of Commons and the House of Lords and how they pass legislation.
- ✓ Understand the potential for delays that are caused between the houses during the legislative process.



Key Terms

Bill	A proposal made by a Member of Parliament to change the current law. It has to go through the legislative process.
Act of Parliament	Statute law passed in the legislative process by Parliament.
First reading	The first presentation of a bill to Parliament by a minister.
Second reading	The first debate on the bill in question in the House of Commons.
Committee stage	The stage where the bill is sent to a temporary public bills committee. The committee looks at each aspect of the bill and suggests amendments.
Report stage	The stage where amendments suggested by the committee are discussed in the House of Commons.
Third reading	The final debate on the bill that takes place in the House of Commons.
House of Lords stage	The final stage where the bill has been passed from the Commons to the Lords. The Lords can amend or reject the bill. All previous stages are repeated.
Royal assent	The final stage where the monarch agrees to turn a bill into an Act of Parliament.
Parliamentary ping-pong	The name given to the outcome of the legislative process when a bill is passed back and forth between the two chambers in Parliament.

The Seven Stages of Legislation



King Charles III must give royal assent to all bills that will become an Act of Parliament

The legislative process is a long and thorough one. A bill does not become law overnight, and all bills go through seven stages. In this chapter, you will learn about the seven key stages that every bill must go through before it becomes an Act of Parliament. Remember, a bill is not law until it becomes law – traditionally a bill is proposed in the House of Commons. After the bill is formally applied to the House of Lords, it becomes UK law.

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1. First reading

This is effectively the 'creation' of a bill. A government minister will present the law to the House of Commons. This can take place at any point in a parliament with no debate at this stage. It is merely a formality. All that happens at this stage is read out by whichever minister is introducing it, and an order is made to



2. Second reading

The second reading is when the first formal debate is held in the lower chamber to discuss the main principles of the bill in question. The minister who read the bill at the first reading takes this opportunity to defend the key points within the bill at the second reading. The opposition minister, whose job it is to scrutinise the work of their corresponding minister, also has the opportunity to discuss the details of the bill here. It is essential – the bill may pass through to the committee stage without any criticism. The likelihood of this is usually quite low, however. After this, a vote is taken to decide whether the bill will be taken further. This is usually a successful stage, with a few defeats occurring during the second reading.

Case study - Sunday Shops Bill

One famous example that a government bill was defeated at the second reading was in 1986 during the second term of the Thatcher Government. Margaret Thatcher (right) had attempted to relax laws embedded in the Christian history of the United Kingdom that saw strict limitation on Sunday trading. However, many of her own MPs felt so strongly about the tradition that 72 MPs voted against her during the second reading. The bill was defeated by 14 votes and Thatcher suffered her only defeat in the Commons.

3. Committee stage

The committee stage is where a more thorough inspection of the bill takes place in the House of Commons. This involves the establishment of a **public bills committee**, which is temporary in nature, set up at the second reading stage and named after the bill. When the stage is complete, the public bills committee is dissolved. This stage allows evidence to be taken from outside Parliament, although all members must be MPs. Membership should be a maximum of 50 and no fewer than 16.

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process is technically only advisory, and it cannot *insist* as the Commons can. The House of Lords has the power to ignore any judgement made by the House of Lords. The gap between the two chambers has been increasing in recent years and there has been a tendency for amendment between the two chambers. This is known as **parliamentary ping-pong**, which is discussed in the chapter.

7. Royal assent

When a bill passes both stages in the Houses of Parliament, it is sent to the monarch for royal assent. Royal assent basically means that the monarch agrees to the bill and make it law. A bill cannot become an Act of Parliament without being granted royal assent. This suggests that the monarch is in a very powerful position with regard to legislation. However, royal assent is very rarely refused. Today, if royal assent were to be refused, it would undermine the democratic nature of UK politics and present a serious constitutional crisis. This last stage is, therefore, more of a formality than a process which can result in different outcomes in the legislative process.

The last time royal assent was not granted to legislation was in 1707, when the monarch refused a bill that proposed settling military units in Scotland. Queen Anne (right) was a great proponent of unity between England and Scotland and even introduced the Act of Union which created the United Kingdom. Her personal belief, combined with a more powerful monarchy, allowed her to refuse royal assent. Her lack of democratic legitimacy and threat to parliamentary representation would, in the twenty-first century, not allow her to act in this way.



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Other Types of Bill

Legislation brought forward by ministers and debated in both Houses of Parliament in the form of primary legislation and will always go through the seven-stage process. However, there are other types of bill which can become law in Parliament. The nature of each of these.

- **Private member's bill**

This type of bill is put forward by backbench MPs or peers in the House of Lords and are not ministers. While a private member's bills have the same function as regular bills – to become part of UK law – the platform used to turn these bills into legislation is varied and different. Private members' bills are also less likely to be passed through as law. They are introduced in three different ways:

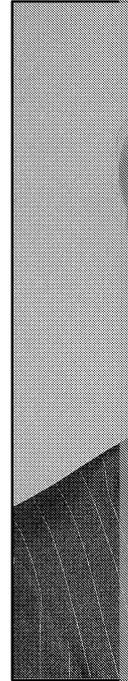
Ballot – Ballot bills are introduced early in the parliamentary session. The names of MPs applying to introduce a bill are placed in a ballot and drawn on the second sitting Thursday of the parliamentary session. Of 20 MPs in the ballot, seven are typically likely to get a debate covering a whole day. While ballot bills are the most likely of private members' bills to succeed in becoming law, they are prone to **filibuster**. This is when a Member of Parliament may give an extensive period of time until its allocated time runs out.

Ten Minute Rule Bill – This is less of a serious attempt to pass legislation due to its nature. MPs get 10 minutes to discuss or debate a law. It is rare that ten minute rule bills get past this stage. However, they bring a certain issue to attention, and, if it gets publicity, may influence legislation indirectly. For this reason, it can be said that ten minute rule bills are more about highlighting legislation that is already in place than to introduce anything new.

Presentation – This is the most similar to the general legislative process. A minister and presents a bill to the House of Commons. There is no formal debate and the minister cannot argue in favour of the bill. Therefore, the bill normally doesn't become law.

- **Secondary legislation**

This is not an Act of Parliament but it is used to remind yourself of the difference between primary legislation and this kind of legislation. It is important to be aware of the rigorous process that takes place when a minister introduces a bill. Secondary legislation becomes law and bypasses the normal legislative process. It is delegated to ministers by an Act of Parliament. An average of over 100 pieces of secondary legislation are introduced each parliamentary session.



Philip D...
filibuster...
aid trainin...

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Relations between the Houses in the Legislative Process

Parliamentary ping-pong

The product of the legislative process incorporating the same stages in both 'parliamentary ping-pong'. This refers to the way that a bill is amended through the House of Commons and the House of Lords, like a ping-pong ball between the two chambers. The case to suggest that the bicameral nature of Parliament is ineffective at passing legislation have not been clearly identified so amendments from both sides lack authority.

Case study – The Prevention of Terrorism Bill

The Prevention of Terrorism Bill 2005 was a piece of legislation that set out measures for ensuring that terrorist suspects imprisoned under an Act that had been overridden over time did not walk away free from punishment. After 9/11 a series of such laws were introduced to strike a balance between preventing terrorism and protecting human rights. This is clearly an important topic and must be debated thoroughly. However, between 11.30am on 10th March 2005 and 7pm on 11th March 2005, it passed an incredible nine times between the two chambers before it was given royal assent.

The Salisbury Convention

There are some aspects of the Constitution that help prevent the situation of parliamentary ping-pong. The Salisbury Convention is one of these aspects as it outlines a structure of power between the two houses. The convention states that the House of Lords may not amend or block a manifesto policy of the government if it is incorporated into bills. Logically suggests that this should apply to most bills, as governments are given mandates specifically to implement their manifesto. This means that the scrutinising power of the House of Lords is advisory in most cases, so the Commons can overrule it. This means that the Salisbury Convention has been disputed in recent years because the mandates of governments had been weakening, increasing the confidence of the Lords in challenging the authority of government bills. With the scale of Labour's majority secured in the 2024 election, it's very unlikely that the legitimacy of their mandate will fall under scrutiny – although lagging in opinion polls may start to have some effect.

A related concept is that of the 'Doctors Mandate', referring to reduced scrutiny of the government while it is attempting to manage a national crisis. This principle was evident during the 2020 Coronavirus pandemic crisis, in which emergency legislation was rushed through Parliament without opposition. In this unusual scenario, it is expected that the government responding quickly, even if the measures being taken were never in an election.

The Parliament Acts

The second major piece of legislation that affected the legislative relations between the Houses of Parliament was the Parliament Acts. First introduced in 1911, it limited the amount of time that a bill could be delayed by the House of Lords. In 1949, this time was halved so that the Lords could no longer permanently affect legislation, and it increased the extent to which the Lords' role was regarded as advisory. The Parliament Acts, therefore, limit the possibility of a veto by the Lords because they have resulted in the Commons' right to insist on legislation.

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2.4 The Ways in Which Parliament In the Executive

Learning Objectives

- ✓ Understand the strengths and limitations of Parliament in holding the executive to account.
- ✓ Be able to evaluate the significance of specific tools of scrutiny, such as Minister's Questions.
- ✓ Understand the crucial political factors that affect the ability of Parliament to hold the executive to account.



Key Terms

Select committee	A committee designed specifically to scrutinise the work of a government department.
Ministerial question time	An allotted time in parliamentary proceedings where backbenchers scrutinise government ministers by asking them questions during question time.
Prime Minister's Questions	The most significant element of ministerial question time. Ministers answer questions from the opposition and their own backbenchers in a 15-minute slot every week.
Backbench Business Committee	A committee established in 2009 designed to increase the scrutiny of the government. It is a committee made up of backbenchers in parliamentary proceedings for about one day in a week.
Opposition	Members of parties who are not in government in the House of Commons.
Government majority	The size by which the governing party won the election.
Parliamentary rebellion	A party divide on votes where party whips cannot ensure all members of the party vote as instructed.



Ian Mearns (MP) is a Labour MP for Gateshead. While in opposition, he is the chair of the Backbench Business Committee.

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The Difference Between Parliament and the Executive

Unlike governments that have a separation of powers, such as that of the USA, the executive and the legislature overlap somewhat. The legislature, in this case, is responsible for making laws based on the views of the society it represents. The House of Commons and the House of Lords are responsible for this, with the executive charged with law making.

What makes the two 'branches' of government is that the **executive** operates with the executive – the branch of government charged with the implementation of laws. Ministers within the House of Commons. Ministers are elected along with the legislature. For this reason, it is complicated and it can be difficult to distinguish between the two.

Parliament's main responsibility is to hold the executive to account. Backbenchers within the governing party, along with opposition MPs and peers in the House of Lords, use different methods to scrutinise the works of government ministers. How effective is the legislature at achieving this? This chapter will help you to answer this question by assessing the significance of the main tools of scrutiny.



The leader of the executive, including the Prime Minister, sits on the frontbench roughly where the arrow points.

Select Committees

A select committee is a committee with the specific task of scrutinising a government department. Select committees may be near-permanent or ad hoc, but all have a specific remit. Select committees are mainly concerned with the policy of a government department, the effectiveness of legislation and its implementation. They highlight the failings of the works of government departments and recommend changes based on evidence they have gathered. Select committees require government departments to account on their activities.

In 2012, the House of Commons Liaison Committee launched an enquiry into the significance of select committees in the House of Commons and how well they perform their function of scrutiny. This committee is composed of all of the chairs of the select committees. The report regarded most of its findings as 'broadly encouraging', it did create some obstacles to scrutiny and recommended various new approaches for select committees.

- New ways of evidence-taking, which had been dominated by calling witnesses
- More focus on future problems within a government department rather than past
- More attention to the financial handling of a government department
- At least once each parliamentary session, report to the Commons on how the department has been handled.

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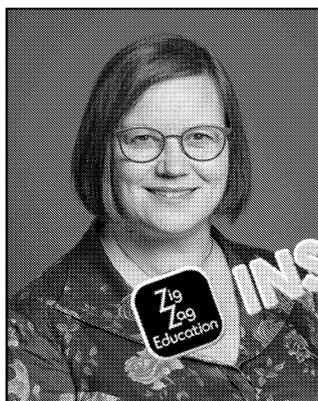
In order to go some way in achieving this new approach for select committees the Liaison Committee outlined 10 chief functions of select committees in the 1990s:

1. Strategy – a more defined goal of scrutiny. This also entailed looking to the future and how the government department is planning ahead with policy rather than concentrating on retrospective criticism of the past.
2. Policy – select committees are continued to be charged with the scrutiny of policy of the government department.
3. Spending – a more focused monitoring of how the government department is spending money and how it is planning its expenditure in the past.
4. Draft bills – select committees should also examine draft policy that has been produced by the government department.
5. Primary and secondary legislation – select committees should ensure that the process of turning bills into law continues.
6. Implementation of scrutiny – after a bill has become law in the legislature, select committees should examine its effectiveness in practice.
7. Scrutiny of Europe – select committees should examine the policy and implementation of the European Union.
8. Appointments – appointments made within the scrutinised government department should be effectively examined.
9. Reports – select committees should draft reports on their works that will be disseminated to the public.
10. Public engagement – select committees should attempt to make sure that their work is accessible and can access their work.



A select committee meeting.

At the end of 2017, there were 45 select committees in Parliament, each chairing a different government department. Some examples of such committees are the Liaison Committee, the International Development Committee and the Education Committee. A select committee must have a minimum of 11 members, and these members are appointed to ensure a balance in the House of Commons.



Meg Hillier became chair of the Liaison Committee, which is comprised of all other select committee chairs, in 2024.

When they finish reports with recommendations to a government department, the department in question is expected to respond to these recommendations. The selection of the chair of a select committee is shifted from appointment to an election within the House of Commons. The effectiveness in their scrutiny as the chair of a select committee. We will discuss the effectiveness of select committees in this chapter, after examining a couple of noteworthy examples that will help determine their significance.

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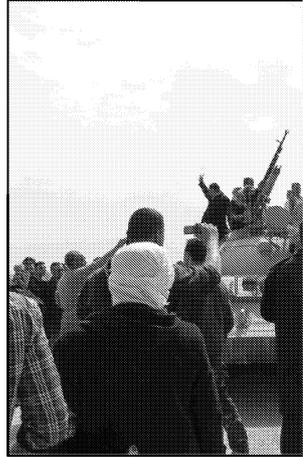


Case study – international intervention in Libya

The Foreign Affairs Committee in 2016 launched an enquiry into the decision of the Coalition Government to join a number of states in the intervention in Libya. The report highlighted that the reasons for intervention were not carefully enough considered. In the 'collapse' section of the report, it was written that a failure of strategy was a key factor in the policy. It was brought to attention here that the optimum outcome was the protection within Libya to regime change in general, and that other goals were accordingly to satisfy this change. The committee ultimately concluded that the Coalition Government was responsible for the failure of the policy.

It is noteworthy that the report contains a full section of the report concerned with 'future planning'. This forecast set out the problems, such as ISIL in Libya and internal security, as well as making some recommendations on how to deal with these issues.

The Cameron Government accepted many recommendations for future planning by the committee, but disagreed with the contents of the report on the basis for intervention.



Case study – Sports Direct working conditions

Also in 2016, the Business, Energy and Industrial Strategy Committee launched an investigation into the working conditions of Sports Direct, owned by entrepreneur Mike Ashley (right). The committee found that Mike Ashley must be held accountable by the government for the 'appalling practice' of underpayment of Sports Direct, likened by the committee to a Victorian factory rather than a high street retailer.

The committee heard several witness accounts that outlined a number of violations within the working place. These varied from staff being disciplined for taking a short water break or time off work when sick to multiple allegations of promised permanent contracts in return for sexual favours. For the first time, Mike Ashley was forced to admit in evidence he gave to the committee that staff had, in practice, been paid below minimum wage. Given the ruling, it would fall upon the government department to ensure that Ashley made Sports Direct a safer place to work.

In September 2017, the Work and Pensions and Business, Energy and Industrial Strategy Committees wrote to Mike Ashley following new evidence of continuing practices of underpayment along with other working violations.

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How Powerful are Select Committees in Holding the Executive to Account?

As we have examined, there have been attempts to increase the ability of select committees to hold government departments to account. The case studies have shown that their effectiveness has had mixed significance. The question remains: how effective are select committees in holding the government to account?

Select committees are effective

- Select committees make an effective use of their ability to question witnesses, ministers and civil servants. This was particularly useful in their reports on the operations in the case regarding Sports Direct.
- Select committee recommendations are often accepted by the government, particularly if it is a unanimous ruling among all committee members.
- Overall they achieve their chief function of scrutiny and can publicise failures of and controversy around the workings of government departments.
- Chairs are elected rather than appointed, assuring their autonomy.
- Select committees have oftentimes been effective at encouraging public engagement, such as in the case studies above.

Select committees are ineffective

- Workers in a government department, such as ministers or civil servants, do not always question properly, making calling witnesses an inefficient method of scrutiny.
- Governments with majorities will not be effectively scrutinised. Select committees are not proportional, so they will be largely dominated by the governing party.
- Governments and individuals in question may ignore recommendations of select committees. Some of the recommendations made in both of the case studies were ignored.
- A select committee is only as effective as its members, who may be preoccupied with other parliamentary duties.
- Select committees scrutinise appointments to a department but have no power to influence the process.

Power of Backbenchers

Backbench power remains a strong force in UK politics, despite the suggestion that its effectiveness is limited in the face of party discipline. It is worth mentioning that the right of backbenchers to speak in debate is a privilege, which increases their power by ensuring they are not subject to the same discipline as ministers. Backbenchers remain one of the foremost sources of the prime minister's authority, and they will ignore them at their peril. Backbenchers in Parliament demonstrated their power when they forced through a successful vote of no confidence against the Labour government in 1978, triggering an election. Similarly, backbenchers demonstrated their importance when they forced the resignation of the Conservative government in 1990, which was defeated by the largest margin in parliamentary history: 200 votes.

The 1997–2010 Labour Government faced very significant backbench revolt over issues such as the Foundation Hospitals, the proposed top-up fees, the proposed war against Iraq, and the proposed introduction of terrorism laws. David Cameron faced revolts over the 2011 referendum on the EU budget, House of Lords reform and military action against Libya. Ministers have to consider carefully the backbench support enjoyed by individual cabinet members when appointing or dismissing. Thatcher, for example, felt the strain of her forced resignation in 1990, and Blair had to consider very carefully the support of colleagues such as John Prescott and Gordon Brown. Both the Blair and

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forced on several occasions to compromise in the face of pressure from the backbenchers. Cameron had to be very careful during his time as the prime minister of a coalition government as he had to avoid upsetting both Conservative and Liberal Democrat backbenchers. Cameron's premiership was ended when she lost the support of her backbenchers. Following a disastrous 'mini budget' that caused market turmoil and destabilised the UK economy, Truss was forced to reverse the majority of the budget. This led to a loss of support from her backbenchers calling openly for her resignation, which she did after just 45 days in office, making her the shortest-serving UK prime minister in history.

Despite the limited influence backbenchers have in initiating legislation (remember, private members' bills are rarely passed into law), the role of backbenchers has clearly been enhanced in recent years in terms of their ability to scrutinise the government. Select committees have contributed to this, and the **parliamentary rebellions** mentioned above have also shown the power of backbenchers. All of the past four governments have had to make compromises when parliament is divided to ensure that backbenchers will align with voters.

The **Backbench Business Committee** (BBBC) was established in 2010 and has significant authority over the content of parliamentary debate. For about one day per week, the BBBC decides the agenda. This is another reason that backbenchers have become more powerful than the government in recent times. Prior to the creation of this committee, MPs had to wait for a day of discussion within Parliament.

Backbench MPs are effective:

- MPs are able to choose chairs on select committees, which has increased their influence. This power was taken directly from government.
- Backbench rebellions have forced several governments to make concessions. This shows that backbench MPs can hold the government to account.
- MPs have the opportunity to raise issues in Parliament for half an hour, ensuring their constituents to be directly represented in Parliament.
- MPs make up one of the main bodies that holds the government to account.
- Backbenchers have increased power to initiate legislation through private members' bills, which can be proposed via a ballot, a Ten Minute Rule bill or a presentation in Parliament.

Backbench MPs are ineffective:

- Parliamentary debate tends to be ineffective. Ministers dodge questions and debates are poorly attended. This limits the opportunity for backbenchers to influence government.
- Backbench MPs are still, in the vast majority of cases, controlled by party discipline and party voting. The ability to represent constituents and show individuality is limited.
- Backbench rebellions are not always successful. As a backbencher, Jeremy Corbyn was a fifth of the Blair Government's cabinet without making an impact.
- Private members' bills are rarely successfully implemented into law.
- Lacking the resources of government, backbenchers are limited in time to present their proposals.

Talking Point

Why are select committees and backbenchers becoming more powerful?

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Ministerial Question Time

What is Ministerial Question Time and why is it practised in the UK Parliament? The answer to this question is to supply an opportunity to hold the executive to account. It is an opportunity for members of the opposition, as well as backbenchers, to ask questions that are answered in the session. These sessions are chaired by the Speaker of the House of Commons, currently Sir Lindsay Hoyle. The previous speaker, John Bercow, has been credited with increasing the effectiveness of Ministerial Question Time and ensuring they are better heard through the use of a microphone. It is an opportunity for MPs to bring issues to the public eye. Media, pressure groups and their questions heard at the time. Anyone who wants the government to be held to account has their voice heard.



One hour per day is designated to ministerial questions. UK residents are welcome to attend and observe from the gallery, but availability for this is limited and they should contact their MPs in order to book in advance. Every government department has an allocated time within which their minister must answer questions to Parliament. This cycle is repeated typically every month or so. The effectiveness of Ministerial Question Time as a method of scrutiny is questionable, however, as is highlighted by Prime Minister's Questions.



The House of Commons
Home Office. Why does

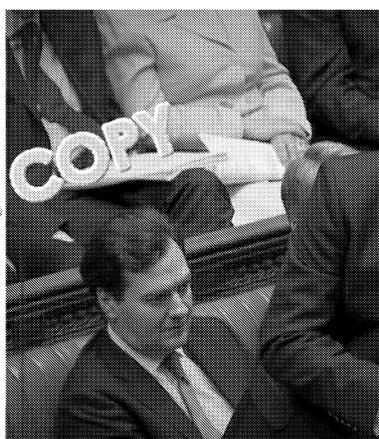
Prime Minister's Questions

A 30-minute slot of every day of Ministerial Question Time is an opportunity for the performance of the prime minister. This is the most significant event within the session and the most direct form of examination of the prime minister at Parliament.



Prime Minister's Questions start every Wednesday at noon and typically focus on different topics to keep up with contemporary political issues. The Leader of the Opposition heads this method of scrutiny, although backbenchers and the leader of the opposition get opportunities to ask questions. Theoretically, unlike other tools of examination, the prime minister has no prior knowledge of the questions they will be asked. However, ministers from different departments will usually converse with the prime minister before the session so that they may be asked.

The practice has received plenty of criticism. To many, this form of scrutiny is theatrical rather than a platform to actually hold the executive to account. This is characterised by the noise: MPs are often criticised for their raucous and loud behaviour which may distract and prevent questions from being asked.



David Cameron answering questions

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The Leader of the Opposition also has some influence over the effectiveness of PMQs due to their style of scrutiny. At the start of his leadership, Jeremy Corbyn opted out of solely asking his own questions, and instead chose to ask questions sent in by members of the public.

The Opposition

What is the Opposition?

It is useful to distinguish between certain terms because they can be confusing. The opposition refers to the largest party that is not in government. Due to the nature of UK politics, this is currently always the Labour Party or the Conservative Party. Currently the Labour Party are the Official Opposition. This means the Labour leader is also Leader of the Opposition, and selects shadow ministers to form their Shadow Cabinet. The task of these ministers is to scrutinise the work of the government.

Opposition parties are different. This term refers to all of the MPs and peers in the two chambers who are not members of the party (or parties) in government. To be clear, the opposition refers to the largest party in Parliament that is not governing, and instead seeks to portray itself as an alternative to the current government. Opposition parties are all MPs and peers who are not in government. These include politicians from the Scottish National Party, the Liberal Democrats, Plaid Cymru. None of these parties carry out the function of trying to appeal as an alternative. However, they carry out a similar role of scrutiny of the works of the government. The effectiveness of the opposition in this role is mixed, as will be seen in the next section.

Powers of the Opposition

The Leader of the Opposition has more powers than other members in opposition that help them scrutinise the work of the government. This includes extended privileges during Prime Minister's Questions. The Leader of the Opposition is allowed to ask more questions than any other MP. Also, the opposition leader can respond to statements made by the prime minister during PMQs with follow-up questions, a unique power in this position.

The Leader of the Opposition enjoys other privileges such as an increased right to respond to important government statements. The opposition has a unique power to scrutinise the work of the prime minister in government, and the public is benefited by the fact that it is its duty to scrutinise the individual government departments and the conduct of their staff. For this specific purpose, the opposition is better equipped to scrutinise than other opposition parties.

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Opposition parties in general, including the opposition, have some resources available to them to aid them in their attempt to scrutinise the works of the government. The most significant of these is what is known as **Short money**. This is the public funding to help support opposition parties. This is a relatively new resource available to opposition parties – it was introduced in 1975. Each parliamentary session, there will be an allocation of the budget for opposing parties to carry out their parliamentary activities. One of the chief duties is scrutinising the executive.

Short money however is very limited compared to the access to resources available to the government. Saving money and time, the civil service is available to the government. The expertise of civil servants allows the government to have an advantage over policy debate and, therefore, limits the ability of opposition parties to scrutinise their activities. Short money, therefore, while technically being a resource available to increase the scrutinising power of opposition parties, actually contributes to the imbalance of resources available to the government.

The opposition is also limited in its ability to initiate a debate topic in Parliament. Each year there will be ‘opposition days’, where the opposition are able to choose a topic to be discussed in the chambers. After the 2017 general election, Jeremy Corbyn’s use of parliamentary motions on opposition days, clearly made possible by the weakness of May’s government. However, in normal circumstances, this is a very limited opportunity for the opposition to scrutinise the work of the government and they cannot initiate a debate.

What Factors Affect the Scrutinising Power of the Opposition?

The power with which the opposition and opposition parties can effectively scrutinise the government has not been guaranteed by many institutional advantages and disadvantages outlined in the section above. However, there are separate circumstances that can affect the opposition successfully being able to hold the government to account.

Party Unity

Particularly important for the opposition is how well whips can ensure its members vote on its issues. It is important to consider that this may be more difficult than for the government. This is because, when the party is not in power, there is much more contentment with the party to ensure that this does not remain the case. Also, off the back of election defeat, this situation is intensified.

Jeremy Corbyn’s tenure as leader of the Labour Party provides essentially both sides of the coin to illustrate the more general point about party unity. Corbyn won the leadership election with a huge mandate over party supporters. However, this was not reflected among his own MPs. The support for Corbyn was very low and this meant that the whips were unable to ensure that rebels who desired a different leader did not vote against the party. Key issues, such as the decision to engage in air striking Syria, were lost because Labour MPs were essentially able to vote however they wished in the early stages of his leadership.

Labour

■ Jeremy

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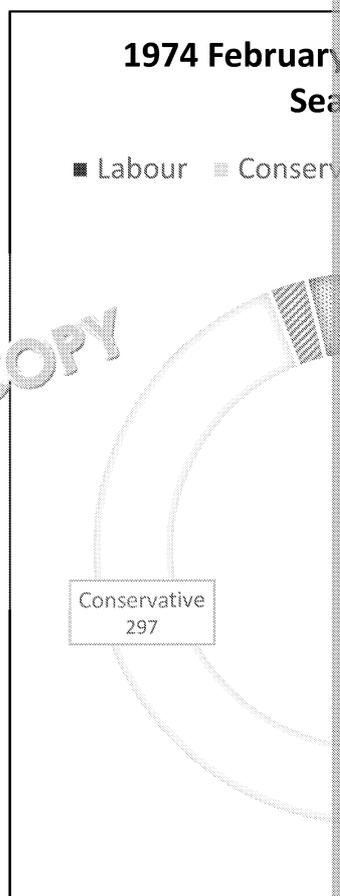


Corbyn's fortunes changed, however, and his ability to steer the opposition scrutiny increased after the 2017 general election. Following a more success the Labour Party than many experts and polls had predicted, the Conservatives taken from them and party opinion of Corbyn shifted. From 2017 until the general election, Labour were far more active, and defeats of the government Lords occurred regularly. This shows that unity of the opposition is essential to maximise their ability to scrutinise the executive.

Government Majority

This leads us to the second factor that may affect the ability of the opposition to challenge the work of the government. The size of the majority that the government has in their mandate. A small majority means a weaker mandate, which the opposition is more confident to oppose. The government in this case will have a harder time winning votes over legislation, being vulnerable to even small rebellions from their own

The general election in 1974 marked a change to what had previously been an electoral system that could be relied on to produce majorities. The diagram to the right shows the spread of results in the February election. For decades, the first-past-the-post system had consistently produced a majority of seats for either Labour or the Conservatives. Harold Wilson's Labour Party won the most seats – 301 – but were 17 seats short of a majority.



This appears to have been a more common occurrence in UK politics. The Callaghan Government, the Major Government from 1996 to 1997 and the May Government from 2017 to 2019 have all been governments which attempted to exercise power with a minority of seats in the House of Commons. In addition, the Coalition Government from 2010 to 2015 was unable to rely on a majority in areas upon which the Conservatives and Liberal Democrats disagreed.

This significantly strengthens the position of the opposition. While the large majority through a confidence and supply deal with smaller parties (as with the Democratic Unionist Party) or a coalition agreement (exclusively after the 2010 election between the Conservative Party and the Liberal Democrats, who combined seats), it is more difficult to maintain consistent majorities when voting over legislation. It is more likely that the opposition can defeat the government over both key and minor

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Can Parliament Scrutinise the Executive Effectively?

Parliament effectively checks the government:

- The House of Lords Act 1999 has increased the confidence of the Lords in legislation. For instance, it blocked 98 government bills in 2015–2017 compared to the Major Government 1990–1997.
- The Backbench Business Committee has increased the effectiveness of government in account by MPs. Its increased influence is highlighted by the 2013 act to cut spending for the government.
- Select committees are an effective method of examination for the government on government departments. One example is the Health Select Committee which changed the coalition health agenda in 2011.
- Backbench rebellions have been effective in influencing government action. The 2017–2019 parliament had the most rebellious backbenchers in parliament.
- Weakening mandates of the government and the uncertainty of majority government has reduced the scrutiny power of the opposition.
- Select committees have become more effective in recent times as the method of appointment changed from appointment to election.

Parliament is ineffective in checking the government:

- The legislative process is dominated by the executive, and the legislature follows the executive agenda. In 2016, for instance, Jeremy Corbyn's party voted against him.
- Governments are rarely defeated in terms of voting because they hold a majority and ensure MPs align.
- The House of Lords still is not able to impose legislation, and the government can ignore where it can ignore and bypass the Lords. The recent parliamentary process emphasises this.
- Debates are poorly attended and do not provide effective scrutiny of a Minister's work. Question time are a particularly good example of theatre rather than scrutiny.
- The opposition have very limited resources available to them in relation to government service is the most blatant example of how the government can save money.
- Governments can ignore the recommendations of select committees, undermining their scrutinising power.

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