

British Civilization – The Institutions

2. The British Constitution

A. The uncodified framework

The constitution is said to be uncodified or flexible

Core of the constitution made up by various institutions:

- The Crown
- Parliament
- The Government and Administration
- The Judiciary

Landmarks of the constitution:

- The Bill of Rights (1689)
- The Act of Settlement (1701)
- The Reform Act (1832)
- The Parliament Act (1911)

Conventions: widely observed by the Crown, the government and politicians.

B. Is there a separation of powers in Britain?

The three branches of the Constitution are:

- The Legislature (i.e. Parliament: the Sovereign, the House of Lords and the House of Commons)
- The Executive (i.e. Government: the Prime Minister, the Cabinet and the Civil Service)
- The Judiciary (the Law i.e. Courts and House of Lords)

All members of the Executive must also be member of the House of Commons or the House of Lords.

3. The British Parliament

Existed already in the Middle Ages. It has evolved a lot (upheavals) since then.

- Guy Fawkes and the Gunpowder plot
- The Glorious Revolution in 1688 and the Bill of Rights
- The Reform Act of 1832

A. The Monarchy

Two very important powers: the opening and dissolution of Parliament.

- Opening of parliament: associated with the Queen's Speech.
- Dissolution of Parliament: before the calling of a general election or after a major defeat of the Government in the House of Commons.

B. The House of Lords

There are 5 different groups nowadays:

- Hereditary peers of the Realm
- Hereditary peers of Scotland

- The lords spiritual (the Archbishops of York and Canterbury, the Bishops of London, Durham and Winchester)
- The 9 lords in appeal
- Life peers, usually appointed by the Prime Minister on the advice of the Prime Minister after a long period of public service: 690 today

Before November 1999, there were 781 hereditary peers. After a reform in 1999, the number was lowered to 92.

This House is not really what we can call democratic because of the way people get in. Every attempt at modifying it has failed.

C. The House of Commons

Major legislative and debating body of the country.

650 MPs elected either in a general election (within every five years of Parliament) or a by-election (usually after the death or resignation of a sitting member).

Predominantly male, a substantial proportion of whom graduated from Oxford or Cambridge or with a professional or business background.

The Speaker of the House, who is a MP, is responsible for order and discipline during debates. He acts as adjudicator in all procedural matters and has the power to temporarily eject a sitting Member if he feels convention has been breached. He is elected by a secret ballot of the MPs since 2009.

Main function of this House: to scrutinize and analyze Government policies and actions.

Every Wednesday, there is a half hour during which the Prime Minister is to answer MP's questions.

Backbenchers: MPs who do not hold office (newly MP or someone who resign from official role > Theresa May after resigning as Prime Minister).

3 different types of Committees:

- Whole House Committees: they deal with several categories of bills > urgent bills or straightforward and uncontroversial bills...
- Select Committees: bodies set up to scrutinize specific issues or aspects of government finance and policy.
- Public Bill Committees: they examine in details the legislation proposed by the government.

Different types of bills:

- Public bills,
- Private bills,
- Money bills,
- Private Members' bills

D. The Legislative Process

Parliament's main role is to approve legislation.

Ideas for new legislation can come from a variety of sources (party advisers, professional bodies, party's electoral manifesto...)

The Passage of a Bill:

- The House of Commons > first reading
- Second Reading
- Committee Stage
- Report Stage
- Third Reading
- The House of Lords > all the above stages are repeated in the Upper House
- Royal Assent