

# PARLIAMENT

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The United Kingdom constitution is not contained in any single document but has evolved over time, formed partly by statute, partly by common law and partly by convention. A constitutional monarchy, the United Kingdom is governed by ministers of the crown in the name of the sovereign, who is head both of the state and of the government.

The organs of government are the legislature (parliament), the executive and the judiciary. The executive consists of HM government (the cabinet and other ministers), government departments and local authorities (*see* Government Departments, Public Bodies and Local Government sections). The judiciary (*see* Law Courts and Offices section) pronounces on the law, both written and unwritten, interprets statutes and is responsible for the enforcement of the law; the judiciary is independent of both the legislature and the executive.

## THE MONARCHY

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The sovereign personifies the state and is, in law, an integral part of the legislature, head of the executive, head of the judiciary, commander-in-chief of all armed forces of the crown and supreme governor of the Church of England. The seat of the monarchy is in the United Kingdom. In the Channel Islands and the Isle of Man, which are crown dependencies, the sovereign is represented by a lieutenant-governor. In the member states of the Commonwealth of which the sovereign is head of state, her representative is a governor-general; in UK overseas territories the sovereign is usually represented by a governor, who is responsible to the British government.

Although in practice the powers of the monarchy are now very limited, and restricted mainly to the advisory and ceremonial, there are important acts of government which require the participation of the sovereign. These include summoning, proroguing and dissolving parliament, giving royal assent to bills passed by parliament, appointing important office-holders, eg government ministers, judges, bishops and governors, conferring peerages, knighthoods and other honours, and granting pardon to a person wrongly convicted of a crime. The sovereign appoints the prime minister; by convention this office is held by the leader of the political party which enjoys, or can secure, a majority of votes in the House of Commons. In international affairs the sovereign as head of state has the power to declare war and make peace, to recognise foreign states and governments, to conclude treaties and to annex or cede territory. However, as the sovereign entrusts executive power to ministers of the crown and acts on the advice of her ministers, which she cannot ignore, royal prerogative powers are in practice exercised by ministers, who are responsible to parliament.

Ministerial responsibility does not diminish the sovereign's importance to the smooth working of government. She holds meetings of the Privy Council (*see* below), gives audiences to her ministers and other officials at home and overseas, receives accounts of cabinet decisions, reads dispatches and signs state papers; she

must be informed and consulted on every aspect of national life; and she must show complete impartiality.

## COUNSELLORS OF STATE

In the event of the sovereign's absence abroad, it is necessary to appoint counsellors of state under letters patent to carry out the chief functions of the monarch, including the holding of Privy Councils and giving royal assent to acts passed by parliament. The normal procedure is to appoint as counsellors three or four members of the royal family among those remaining in the UK.

In the event of the sovereign on accession being under the age of 18 years, or at any time unavailable or incapacitated by infirmity of mind or body for the performance of the royal functions, provision is made for a regency.

## THE PRIVY COUNCIL

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The sovereign in council, or Privy Council, was the chief source of executive power until the system of cabinet government developed. Its main function today is to advise the sovereign on the approval of various statutory functions and acts of the royal prerogative. These powers are exercised through orders in council and royal proclamations, approved by the Queen at meetings of the Privy Council. The council is also able to exercise a number of statutory duties without approval from the sovereign, including powers of supervision over the registering bodies for the medical and allied professions. These duties are exercised through orders in council.

Although appointment as a privy counsellor is for life, only those who are currently government ministers are involved in the day-to-day business of the council. A full council is summoned only on the death of the sovereign or when the sovereign announces his or her intention to marry. (For a full list of privy counsellors, *see* the Privy Council section.)

There are a number of advisory Privy Council committees whose meetings the sovereign does not attend. Some are prerogative committees, such as those dealing with legislative matters submitted by the legislatures of the Channel Islands and the Isle of Man or with applications for charters of incorporation; and some are provided for by statute, eg those for the universities of Oxford and Cambridge and the Scottish universities.

The Judicial Committee of the Privy Council is the court of final appeal from courts of the UK dependencies, courts of independent Commonwealth countries which have retained the right of appeal and courts of the Channel Islands and the Isle of Man.

It also has certain jurisdiction within the United Kingdom, the most important of which is that it is the court of final appeal for 'devolution issues', ie issues as to the legal competences and functions of the legislative and executive authorities established in Scotland, Wales and Northern Ireland by the devolution legislation of 1998.

The committee is composed of privy counsellors who hold, or have held, high judicial office, although usually only three or five hear each case.

Administrative work is carried out by the Privy Council

Office under the direction of the Lord President of the Council, a cabinet minister.

## PARLIAMENT

Parliament is the supreme law-making authority and can legislate for the UK as a whole or for any parts of it separately (the Channel Islands and the Isle of Man are crown dependencies and not part of the UK). The main functions of parliament are to pass laws, to provide (by voting taxation) the means of carrying on the work of government and to scrutinise government policy and administration, particularly proposals for expenditure. International treaties and agreements are by custom presented to parliament before ratification.

Parliament emerged during the late 13th and early 14th centuries. The officers of the king's household and the king's judges were the nucleus of early parliaments, joined by such ecclesiastical and lay magnates as the king might summon to form a prototype 'House of Lords', and occasionally by the knights of the shires, burgesses and proctors of the lower clergy. By the end of Edward III's reign a 'House of Commons' was beginning to appear; the first known Speaker was elected in 1377.

Parliamentary procedure is based on custom and precedent, partly formulated in the standing orders of both houses of parliament, and each house has the right to control its own internal proceedings and to commit for contempt. The system of debate in the two houses is similar; when a motion has been moved, the Speaker proposes the question as the subject of a debate. Members speak from wherever they have been sitting. Questions are decided by a vote on a simple majority. Draft legislation is introduced, in either house, as a bill. Bills can be introduced by a government minister or a private member, but in practice the majority of bills which become law are introduced by the government. To become law, a bill must be passed by each house (for parliamentary stages, see Parliamentary Information) and then sent to the sovereign for the royal assent, after which it becomes an act of parliament.

Proceedings of both houses are public, except on extremely rare occasions. The minutes (called *Votes and Proceedings in the Commons*, and *Minutes of Proceedings in the Lords*) and the speeches (*The Official Report of Parliamentary Debates*, Hansard) are published daily. Proceedings are also recorded for transmission on radio and television and stored in the Parliamentary Recording Unit before transfer to the National Sound Archive. Television cameras have been allowed into the House of Lords since 1985 and into the House of Commons since 1989; committee meetings may also be televised.

By the Parliament Act of 1911, the maximum duration of a parliament is five years (if not previously dissolved), the term being reckoned from the date given on the writs for the new parliament. The maximum life has been prolonged by legislation in such rare circumstances as the two world wars (31 January 1911 to 25 November 1918; 26 November 1935 to 15 June 1945). Dissolution and writs for a general election are ordered by the sovereign on the advice of the prime minister. The life of a parliament is divided into sessions, usually of one year in length, beginning and ending most often in October or November.

## DEVOLUTION

The Scottish parliament and the National Assembly for Wales have legislative power over all devolved matters, ie matters not reserved to Westminster or otherwise outside its powers. The Northern Ireland Assembly has legislative authority in the fields previously administered by the Northern Ireland departments. The assembly was suspended in October 2002 and dissolved in April 2003, before being reinstated on 8 May 2007. For further information, see the Regional Government section.

## THE HOUSE OF LORDS

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The House of Lords is the second chamber, or 'Upper House', of the UK's bicameral parliament. Until the beginning of the 20th century, the House of Lords had considerable power, being able to veto any bill submitted to it by the House of Commons. Today the main functions of the House of Lords are to contribute to the legislative process, to act as a check on the government, and to provide a forum of independent expertise. Its judicial role as final court of appeal ends in 2009 as a result of the establishment of a new UK supreme court (see Law Courts and Offices section).

The House of Lords has a number of select committees. Some relate to the internal affairs of the house – such as its management and administration – while others carry out important investigative work on matters of public interest. The main areas of work are: Europe, science, the economy, the constitution and communications. House of Lords investigative committees look at broader issues and do not mirror government departments as the select committees in the House of Commons do.

On 12 June 2003 the government announced reforms of the judicial function and the role of the Lord Chancellor as a judge and Speaker of the House of Lords. In 2006 the position of Lord Chancellor was significantly altered by the Constitutional Reform Act 2005. The office holder is no longer speaker of the House of Lords nor head of the judiciary in England and Wales, but remains a cabinet minister (the Lord Chancellor and Secretary of State for Justice), currently in the House of Commons. The function of speaker of the House of Lords was devolved to the newly created post of Lord Speaker. The Rt. Hon. Baroness Hayman was elected as the first Lord Speaker by the house on 4 July 2006.

Members of the House of Lords comprise life peers created under the Life Peerages Act 1958, 92 hereditary peers under the House of Lords Act 1999 and Lords of Appeal in Ordinary, ie law lords, under the Appellate Jurisdiction Act 1876. The Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester, and the 21 senior diocesan bishops of the Church of England are also members.

The House of Lords Act provides for 90 elected hereditary peers to remain in the House of Lords until longer-term reform of the House has been carried out; 42 Conservative, 28 crossbench, three Liberal Democrat and two Labour. Elections for each of the party groups and the crossbenches were held in October and November 1999. Fifteen office holders were elected by the whole house. Two hereditary peers with royal duties, the Earl Marshal and the Lord Great Chamberlain, are also members.