

# *United Kingdom*



# Introduction

- The United Kingdom of Great Britain and Northern Ireland is a state comprising England, Wales, Scotland and Northern Ireland.
- The Kingdom of Great Britain was born out of the fusion of the Kingdom of Scotland and the Kingdom of England in 1707.
- In 1707, with the First Act of Union, the parliaments of England and Scotland are united.

- In 1800 there was another Act of Union that united the Kingdom of Great Britain with the Kingdom of Ireland.
- The resulting United Kingdom of Great Britain and Northern Ireland existed until 1922, when the Republic of Ireland was created and the United Kingdom became what it is today.

# Elements of the system

- The UK is a constitutional monarchy with a multi-party political system.
- The Prime Minister is Head of the Government (currently Mr. David Cameron).
- The executive power is exercised by the government.
- The legislative power is exercised by both the government and the Parliament.
- Judiciary power is independent from both executive and legislative powers.

# Westminster System

- The British political system, known as Westminster System, has been adopted by several other countries that once belonged to the British Empire, like Australia, Canada, Jamaica, India, Malaysia, New Zealand, Singapore.

# Constitution

- The Constitution is not codified (not written) and is represented by constitutional conventions, laws, and other sources.
- (A constitutional convention is an informal and uncodified procedural agreement that emerges at some point in history and is since then followed by the institutions of a state).

# Monarch

- The monarch (currently the Queen Elizabeth II) is Head of the State.
- The Bill of Rights of 1689 has established that the sovereign is the Parliament, not the monarch anymore.
- The modern functions of the monarch are similar to those of a president in a parliamentary republic.
- At the beginning, the monarch had the right to choose any citizen as Prime Minister and could summon and dissolve the Parliament at will.
- According to the current "unwritten constitution", instead, the Prime Minister is the leader of the majority party in the House of Commons and the Parliament decides if and when to dissolve.

# Monarch (2)

- A draft law must be approved by both chambers of the Parliament and eventually receive the royal assent to become law.
- Theoretically, the monarch could deny the royal assent, but this power is not used since 1708, and if the monarch wanted to use it now there would be a serious constitutional crisis.
- Other traditional royal powers called royal prerogatives are exercised by the Prime Minister and the government with the formal consent of the monarch.
- Today the monarch plays an essentially ceremonial role, but retains the right to be consulted and to advise the Prime Minister.
- The monarch is also the supreme commander of the armed forces.





# Party system

- The UK political system is a multi-party system.
- Since the 1920s, the two largest political parties have been the Conservative Party and the Labour Party.
- Before the Labour Party rose in British politics the Liberal Party was the other major political party along with the Conservatives.
- Though coalition and minority governments have been an occasional feature of parliamentary politics, the first-past-the-post electoral system used for general elections tends to maintain the dominance of these two parties, though each has in the past century relied upon a third party to deliver a working majority in Parliament.
- In the current coalition government, this role of third party is played by the Liberal Democratic Party.

# Devolution

- **Devolution** means transfer of power from center to subdivisions of the country; decentralization of power.
- With the partition of Ireland, Northern Ireland received home rule in 1920, though civil unrest meant direct rule was restored in 1972.
- Support for nationalist parties in Scotland and Wales led to proposals for devolution in the 1970s though only in the 1990s did devolution actually happen.
- Today, Scotland, Wales and Northern Ireland each possess a legislature and executive.
- The United Kingdom remains responsible for non-devolved matters and, in the case of Northern Ireland, co-operates with the Republic of Ireland.

# Scottish Parliament and Independence Referendum

- 1979: First referendum in Scotland on the creation of a **devolved Scottish Parliament** (failed because of insufficient turnout\*);
- **1997: Second referendum:** Approved the creation of a Scottish Parliament; followed by Scotland Act 1998.
- Scottish Parliament established in Edinburgh.
- **18 September 2014:**

Referendum on the **independence** of Scotland from the United Kingdom: *“Should Scotland be an independent country?”*  **55.3% voted against independence.**







# The executive power

- The executive power is exercised by the government.
- The monarch appoints a Prime Minister.
- By convention, the Prime Minister is the leader of the party which has the majority in the House of Commons, because the support of the House of Commons is clearly vital for the government.
- The Prime Minister chooses the other ministers who will form the government and will be the heads of the various government departments.
- By convention, the ministers are chosen among the members of the House of Commons, or the House of Lords.

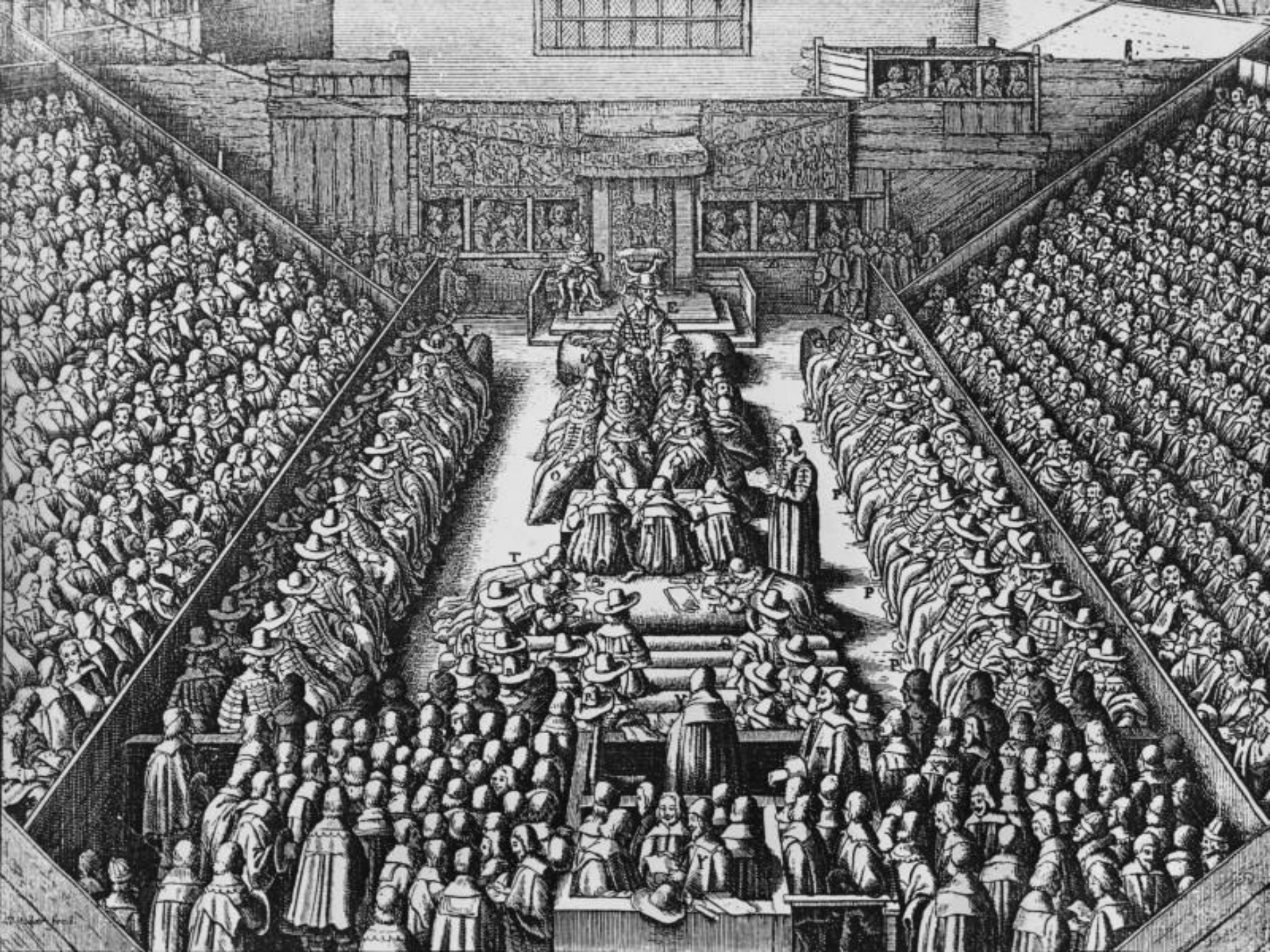


## The executive power (2)

- The executive power depends on the legislative power and is accountable to it.
- In case of a parliamentary motion of no confidence, the government must resign, or call new elections.
- So it is essential for the government to have the constant support of the Parliament.
- The decisions of the ministers are implemented by a permanent, politically neutral organization known as the Civil Service.

## The executive power (3)

- The Civil Service must loyally serve any government and its high officials are not changed if the government changes (contrary to what happens in many other countries).
- The term "Whitehall" is often used to designate either the British government or the British Civil Service (Whitehall is a street in Westminster, London, on which many government offices are located).





# The legislative power

- The Parliament is the center of the British political system.
- It is the supreme legislative body and has the power to vote a **motion of no confidence** (that has the effect of dismissing a government).
- The Parliament is composed of the House of Commons and the House of Lords.
- Currently the House of Commons is by far more powerful than the House of Lords, whose traditional powers have been greatly reduced at various points in history.
- A negative vote of the Parliament on important proposals of the government is interpreted as a sort of no confidence vote as well, and usually leads to the governments resignation.

## The legislative power (2)

- The British voting system has the effect of giving a clear majority of seats in Parliament to one party.
- Also, the British voting system tends to create a party system based on two large parties.
- Usually the government has no difficulty in obtaining parliamentary support.
- But in rare occasions no party has a clear majority. In these cases it is necessary to create a **coalition** government (= the parliamentary majority is provided by more than one party).
- The current British government is a coalition government, where the Conservative Party and the Liberal Democratic Party jointly support the government.

# The House of Lords

- The House of Lords was originally a chamber composed of aristocrats, who sat there by hereditary right.
- Now it is composed of members by hereditary right, bishops of the Church of England (known as **Lords Spiritual**), and appointed members who don't transmit their right to their descendants.
- The House of Lords is undergoing a process of reform. The current trend is toward making the House of Lords mostly **elective**, with a minority of appointed (non elected) members, and few Lords Spiritual.

# The House of Lords

- A draft law can be presented also to the House of Lords, but this House has very limited power towards draft laws that have already been approved by the Commons.
- The Lords can propose amendments and delay the approval of a law.
- There are other limits by constitutional convention to the Lords' power of veto.
- Finally, the House of Commons can move to bypass it.
- Usually, the governments try to avoid conflicts with the House of Lords and accept to introduce into the legislation the changes requested by the Lords.



# The House of Lords (3)

- Traditionally a section of the House of Lords served as the court of last instance.
- This function was performed by a group of Lords known as the **Law Lords**.
- In 2005, however, a constitutional reform has moved this function from the House of Lords to a new **Supreme Court of the United Kingdom** that started working in 2009.

# The judicial system

- The Lord Chancellor was the head of the judicial system in England and Wales.
- He appointed judges and magistrates in the name of the monarch.
- The Lord Chancellor was present and performed functions in all three powers of the state.
- This was a unique case that had historical origins and justification but that could not be reconciled with the liberal doctrine of the separation of powers (Montesquieu, Locke), and with the laws of the European Union.
- So in 2005 a constitutional reform deeply changed the role of the Lord Chancellor, among other things.
- His powers as head of the judiciary went to a new Secretary of State for Constitutional Affairs, later renamed as Secretary of State for Justice.

# The Constitutional Reform Act of 2005

- The Constitutional Reform Act 2005 is an act of the Parliament of the United Kingdom.
- It provided for a Supreme Court of the United Kingdom to take over the existing role of the Law Lords (from 2009), and removed the functions of Speaker of the House of Lords and Head of the Judiciary of England and Wales from the office of Lord Chancellor.
- The reform was motivated by concerns that the historical admixture of legislative, judicial, and executive power might not conform with the requirements of Article 6 (paragraph 1) of the European Convention on Human Rights, because a judicial officer, having legislative or executive power, is likely not to be considered sufficiently impartial to provide a fair trial.

# Elements of the legal system

- The legal system for England and Wales (Scotland and Northern Ireland have their own) is based on 2 elements:
  1. **Statute law:** written law represented by the laws of the Parliament;
  2. **Common law:** the traditional law based on legal precedents.
- Today the majority of criminal law provisions belong to the Statute branch, while civil law is mostly regulated by common law.
- There is no civil or criminal code, unlike in the civil law systems.
- The law of the European Union is also used and prevails over national law since the UK accessed the European Economic Community in 1972.

