



# British Institutions and Society

Adapted from:<http://about-britain.com/institutions/>

# Χρηματοδότηση

- Το παρόν εκπαιδευτικό υλικό έχει αναπτυχθεί στα πλαίσια του εκπαιδευτικού έργου του διδάσκοντα.
- Το έργο «**Ανοικτά Ακαδημαϊκά Μαθήματα στο Ιόνιο Πανεπιστήμιο**» έχει χρηματοδοτήσει μόνο τη αναδιαμόρφωση του εκπαιδευτικού υλικού.
- Το έργο υλοποιείται στο πλαίσιο του Επιχειρησιακού Προγράμματος «Εκπαίδευση και Δια Βίου Μάθηση» και συγχρηματοδοτείται από την Ευρωπαϊκή Ένωση (Ευρωπαϊκό Κοινωνικό Ταμείο) και από εθνικούς πόρους.




# Άδειες Χρήσης

- Το παρόν εκπαιδευτικό υλικό υπόκειται σε άδειες χρήσης Creative Commons




# The Constitutional Framework of the UK


- The United Kingdom does not have a constitution. The UK has no written constitution. Nor does England have a constitution, neither written nor formulated. The United Kingdom is one of the few countries of the world that does not have a written constitution: it just has what is known as an "uncodified constitution". Thus the only "British Constitution" that exists is a set of rules and regulations constituted by jurisprudence and laws (English and Scottish law), and by various treaties and international agreements to which the United Kingdom has signed up. This uncodified constitution has largely developed out of historic English law, since many of its founding principles and essential laws go back to charters and bills that were drawn up by the English parliament long before the creation of the United Kingdom.

- 
- Although England's parliament, often called “the mother of parliament” has existed for over seven centuries, the founding document of England's "constitution" is generally considered to be the **Magna Carta**, or *Great Charter of the Liberties of England*, which the barons drew up and forced King John to sign in the year 1215. The spirit of this document has guided the evolution of English law over the centuries, as well as inspiring numerous constitutional documents drawn up by other countries, including notably the Constitution of the United States of America, and the Universal Declaration of Human Rights. Among other landmark bills that have established major new principles in the British Constitution are the English Bill of Rights, passed after the Glorious Revolution of 1689, and the Acts of Union, of 1707, establishing the linking of England and Scotland within a United Kingdom.


# Parliament and the constitution

- In Britain, Parliament is supreme. It is Parliament, as the representative of the "estates" of the nation - monarchy, aristocracy, church and people - which makes laws. Parliament cannot act illegally, nor anti-constitutionally, as Parliament determines what is the law of the land, and a bill that is passed by Parliament, and signed by the monarch, is by definition constitutional. In the past, the Monarch could refuse to sign bills; but today he or she has to sign any bill passed by the two chambers of Parliament.

- 
- In past centuries, the Parliament was inspired, and laws were dictated, by the Monarch and the Upper Chamber, known as the House of Lords. Since the 19th century, parliamentary power has been held by the elected members of the Lower House, known as the House of Commons. It is here that the Government of the day introduces and debates most new legislation, and for any new bill to become law, it must be "passed" (accepted) by the House of Commons, as well as by the House of Lords, and finally signed into law by the Monarch.

- 
- Legislative programmes are determined by the Government in power, known as "Her (his) Majesty's Government". In theory, the government is appointed by the Monarch; in practice, the monarch no longer has any choice in the matter. He or She appoints as Prime Minister the leader of the political party with a majority in the House of Commons; or, if no party has a majority, the leader of a coalition that has been agreed between party leaders. The Prime Minister then appoints the Ministers of "*Her Majesty's government*". *As well as piloting its legislative programme through Parliament, the government can also manage the day-to-day affairs of the nation by using "statutory instruments" to make administrative changes or minor modifications to existing legislation; these are not submitted to Parliament for approval*



- 
- Since the British Parliament is supreme, the United Kingdom is a unitary state. It is neither federal nor confederal. While Scotland, Wales and Northern Ireland have their own parliaments or assemblies, with delegated powers, these regional governments are subsidiary to the British Government in London. The British Parliament can, if it chooses to do so, take back any powers delegated to regional assemblies. This does not usually happen, but it can, and it did in 1972, when the London Parliament provisionally suspended the Northern Ireland Assembly (Stormont), on account of its inability to properly manage the affairs of Northern Ireland during the time of the "troubles".

# Common Law and the constitution

- After Parliament, the other great base of the United Kingdom's uncodified constitution is "Common Law". Great Britain does not have a "penal code" nor a "civil code"; its "Common Law" is the fruit of centuries of jurisprudence, that is based on historic principles of "natural law" (moral law, founded on historically accepted basic principles of right and wrong) . Common Law, though based on the principle of "precedent", can change at any moment, as it is determined by judges; for this reason, it evolves slowly to reflect changes in society and social norms. It cannot evolve in a manner that is in contradiction with social norms or parliamentary law, as any controversial verdict based on common law would be challenged in the courts of appeal.




# Other elements of the British Constitution

- Finally, there are other elements that serve to define the rights and obligations of the British people. Britain has signed up to numerous international conventions and treaties, which can determine the legality or otherwise of actions or processes, such as marine pollution or human rights. European law also applies in the UK, and according to the principle of *Primacy included in the charter of the European Union, EU law takes precedence over UK law in any event of incompatibility.*

# Church and state


- The United Kingdom is not a secular state - at least, not in principle. Ever since the Protestant Reformation in the 16th century, the British Monarch has also been the official supreme governor of the Church of England, the "Defender of the Faith" - *fidei defensor*. *Each coronation takes place at a ceremony at Westminster Abbey, where the new monarch is crowned and blessed by the Primate of the Church of England (the Anglican church), the Archbishop of Canterbury.*

- 
- In addition, twenty six Anglican bishops sit in the House of Lords. These aspects are part of the ritual or ceremonial heritage of England. In reality, the Monarch takes no more part in the running of the Church of England, than he or she does in the nation's government. And the Bishops who sit in the House of Lords can only have a marginal influence on debates in the House which, as previously noted, does not have the power to oppose government legislation passed by the House of Commons. Their main function, in the 21st century, is to act as guardians of moral or socially equitable values in the British parliament; this does not mean "conservative" values, as was shown when the UK Parliament was one of the first national parliaments in the world to approve gay marriage



# Developments

- Being uncodified, the Constitution of the United Kingdom is in a state of constant flux. Each new law, each new major decision by judges, becomes a new stone in the edifice of the British Constitution. Thus, the British constitution changes all the time, very slowly, often imperceptibly. Britain moves forward by evolution, not by revolution.

- 
- Currently, one of the changes being discussed is the modernisation of the House of Lords, to make it at least in part a chamber to which members can be elected. At present, this is not the case. The Cameron government pledged to introduce changes in the life of the present Parliament, but British voters are not very concerned by this issue. It does not arouse much passion on either side of the argument. As of 2014, it seems unlikely that this "constitutional reform" will be enacted before the next General Election; few people in the UK think that constitutional reform is necessary, let alone essential; the UK functions fairly well without a written constitution, and without big changes to the uncodified constitution that it does have. When it comes to change, the Government and the British people have other more important and urgent things to think about.



# More on the Parliament





# Structure and Functioning of the British Parliament today

- Britain is a parliamentary monarchy .The British Parliament is a *bicameral parliament* , *that is to say that it is made up of two chambers, or two "Houses"; above the two Houses, but in an essentially formal role , there is the Sovereign - king or queen - also known as "the crown."*

# Role of the Sovereign


- The British monarch has all authority, but no power. The Sovereign appoints the Prime Minister, and every year opens the sessions of parliament, in a historical and ritual ceremony called the *State Opening of Parliament*. *Historically, this ceremony used to take place in the Autumn; but since 2012, it has been brought forward to May. This is the only regular time when the members of both Houses come together. During the ceremony, the Sovereign reads out the government's intended programme. The "Queen's Speech" is a summary of the programme "his" or "her" government intends to implement in the next twelve months; but the speech is prepared and written by the Prime Minister's office, not by the Queen.*


- 
- *The second major function of the sovereign is to sign new laws passed by Parliament. A bill does not become law, or an Act of Parliament, until it has "received royal assent", meaning that it has been signed by the Sovereign*

- 
- The last major function of the sovereign - in the parliamentary context - is his or her weekly meeting with the Prime Minister. By tradition, the latter informs the Sovereign, who is head of state, about important affairs of state and government business, and asks the sovereign for his or her opinion. With over 60 years of experience, the current Queen Elizabeth II has acquired great experience in managing affairs of state, and an unparalleled experience of international relations, and now acts as an experienced adviser, well liked by her Prime Ministers, of all political persuasions
  -

# The House of Lords

- This is the "Upper House" of the British Parliament . It consists of about 750 members (a variable number ) most of whom are Life Peers (i.e. not hereditary lords), or people who have been ennobled for services rendered to the nation. These Life Peers are mostly former members of the House of Commons, or former senior officials, judges, or former business leaders or trade union leaders: each government and opposition party has the right, each year, to propose new Life peers . The other members of the House of Lords are 96 hereditary Lords from the "nobility" of the United Kingdom, and 26 Bishops of the Anglican Church.


- 
- As mentioned above, the House of Lords can not block bills proposed by the Government in the House of Commons, and can only delay some bills . It is rare that the House of Lords use of this prerogative, other than in exceptional cases; for the Lords to act against the wishes of an elected government would be constitutionally unacceptable. Thus, almost all the bills from the House of Commons are approved quickly by the Lords, and returned for a "second reading" with some proposals for modifications or improvements. It is up to the House of Commons to accept or reject these proposals.


- 
- The essential role of the House of Lords is to discuss non controversial subjects, or examine in detail projects for which the House of Commons does not have time. Given its experience of the Life Peers who sit in the House of Lords, the Upper House is an assembly of well experienced former politicians , and is well suited to its parliamentary duties, even if its members are not elected representatives. In 2012, the Cameron Government proposed to change the status of the House of Lords, making it into a largely elected chamber : but the proposal does not terribly interest the British public, and this change is unlikely to happen in the near future.


# The House of Commons


- The House of Commons is the main House of the British Parliament in terms of *legislative power*. It is a chamber composed of 650 members (Members of Parliament or MPs ) elected by universal suffrage. The life of a Parliament is five years. According to an ancient tradition, MPs are elected by universal suffrage under a system of relative majority, in one round of voting. This means that the candidate with the most votes in an election is elected, whether or not he or she has an absolute majority of votes. This system favors the major political parties, and stable governments - at the expense of smaller parties.




- 
- Elected Members of Parliament do not have a deputy, so in the event of the death, resignation or removal of an MP, a *"by-election"* must be called in order to elect a new MP. Each MP represents a territory, or constituency: the link between an MP and his or her constituency is symbolically and historically very important , and in the House of Commons, Members are not called by their name, but by the name of the constituency from which they have been elected (or, if they are government ministers, by their function) .

- 
- Since 1902, the British Prime Minister has always been a serving Member of Parliament, elected to the House of Commons; and most ministers - often all ministers - are members of the House of Commons too. The Government is formed by the *party (or as currently, by the coalition of parties)* that has a majority of seats in the House of Commons. Members of the Government sit in the front row of benches in the House of Commons (called the *Front Bench*), directly opposite the leaders of the *Opposition*.

- 
- The chairman of the House of Commons is known as the "Speaker", and he or she presides over each parliamentary session, deciding who can speak. A significant aspect of the House of Commons is the importance given to the Parliamentary Opposition . It is structured with an official Leader (The Leader of the Opposition ) and a "shadow cabinet ", consisting of spokesmen for the Opposition each with an official portfolio corresponding to that of a government minister.

- 
- Most of the time the *debates in the House of Commons are devoted to projects of government legislation* . Most bills are put forward by the government ministers. However, some time is given to bills tabled by individual MPs (known as *Private Members' bills*), or to bills tabled by the opposition (known as *Opposition motions*) . In each session of Parliament, the opposition has 20 days during which it may propose legislation and determine the agenda of the House.

- 
- Private Members Bills Bills and Opposition motions may be adopted by the House of Commons, but they must also be approved by the Government, given that the Government has a majority of votes. Thus, new laws can effectively be proposed by the Opposition, and can be accepted by Parliament. This can happen especially if the motion concerns a consensual or non-controversial political project, or even a question for which MPs' will vote according to their "moral convictions", rather than the politics of their party. In such cases, governments traditionally allows members the freedom to vote according to their conscience. Two important examples of Private Members Bills have been passed by Parliament are the law to abolish the death penalty (*Murder Act of 1965* ), and the law *authorizing abortion (1967)*.

# Territoriality

- The British Parliament is both Parliament of England and Parliament of the United Kingdom. It is sovereign. Parliament has delegated some of its powers to the regional parliaments or assemblies of Scotland, Northern Ireland and Wales

# **The Political landscape in Britain today**

- **Main British parties (excluding regionalist parties / nationalists )**

# **Right-wing or conservative parties**

- **The Conservative Party (David Cameron, PM of UK)**
- **UKIP - The UK Independence Party**
- **BNP - British National Party**



# Parties of the centre

- **The Liberal Democrat party - the Liberal Democrats , or Lib Dems**
- **The Greens - The Green Party**

# **The parties of the Left**

- **The Labour Party**
- **The Communist Party of Great Britain**

# Terms to keep in mind

- PM
- MP
- Cabinet
- Shadow Cabinet
- Constituency
- Ballot
- The Legislature (2 houses of Parliament)
- The Executive (the Government)
- The judiciary (the courts)