

What is the role of the Official Opposition?

The Official Opposition is an important part of the UK political process.

The Opposition has three main roles:

- Opposing the Government
 - Supporting the Government
 - Providing an Alternative
- Opposing the Opposition

As the name suggests, the key role of the Opposition is to oppose the Government. Ways it might do this include:

- Voting against government proposals.
- Putting amendments on Government legislation.
- Putting difficult questions to Ministers at Question Time.
- Put forward its own legislation using its allotted parliamentary time.

Examples of Labour Opposing Government Policy since 2017

Labour have favoured a softer Brexit in which Britain stays within the Customs Union

Labour have opposed the creation of more Grammar Schools

- Supporting the Government

However, despite its main aim being to oppose the government, there are times when it is expected that it will work with the Government. This is particularly the case during a national crisis. When the two leading parties work together in Parliament, it is known as being **bipartisan**.

Examples of Bipartisanship in Parliament

2003 - The Iraq War Resolution in March 2003 was passed by 412 to 149 and was a Bipartisan vote.

2010 - Loans to Ireland Deal. An agreement to loan £2.35 Billion to Ireland. Supported by all but 2 Labour MPs.

2011 - Terrorist Tracking Bill. A bill to give the UK Government access to suspected terrorists bank accounts. The Bill was backed by 180 Labour MPs.

2011 - UN Security Council Resolution 1973. An agreement to install a No-Fly Zone over Libya. Supported by 212 Labour MPs.

2013 - All three major parties, Conservative, Labour and Liberal Democrat, worked together to secure a 'No' vote in the Scottish Independence Referendum. The No campaign won by 55% to 45%.

2017 - All the major parties, apart from the SNP and Lib Dems, agreed to vote in favour of triggering Article 50.

2017 – A vote in favour of an early General Election saw 522 votes for and only 13 votes against.

- Providing an Alternative

The Opposition is also expected to provide an alternative to the Government. This starts before a General Election when the Opposition will look to set out an alternative to the other parties in its manifesto.

Examples of differences in the manifesto between Labour and the Conservatives in 2017

Economy

Labour planned to raise Corporation Tax whilst the Conservatives promised to cut it.

Education

Labour promised to abolish tuition fees whilst the Conservatives planned a small rise

Welfare

Labour planned to keep the pension 'triple lock' whilst the Conservatives planned to remove it.

Each Minister is shadowed by someone in the Shadow Cabinet. They have to scrutinise the government. However, it is also expected that they say what they would do differently if they were in government.

The Current Shadow Cabinet (Key Figures)

Leader of the Opposition – Jeremy Corbyn

Shadow Home Secretary – Diane Abbot Shadow

Foreign Secretary – Emily Thornberry Shadow

Chancellor of the Exchequer – John McDonnell

Sometimes it can be difficult for Opposition Parties to provide a clear alternative. This is because sometimes they might be worried that the Government will steal their idea.

Potential Example of Gordon Brown taking David Cameron's ideas

In 2007 the Conservative Party in Opposition announced in their Party Conference that they were going to reform inheritance tax. At the Queen's Speech in 2007, Gordon Brown's government announced the same plan.

David Cameron asked Gordon Brown at the Queen's Speech debate "can the Prime Minister look me in the eye and say that you were planning to reform inheritance tax before our party conference".

Cameron then quipped "the difference between our policy and their policy is we thought of it and he stole it!"

It did appear that the government had stolen one the opposition's key policies.

How is the Opposition supported in fulfilling its functions?

The Opposition is supported in a number of ways in fulfilling its role. These ways include:

- o **Salaried Members** – Both the Leader and Chief Whip of the Opposition are paid a salary for their roles.
- o **Parliamentary Time** – 17 Days in each Parliamentary Session are given by the Speaker to the Leader of the Opposition, for him to use as he pleases.
- o **Short Money** – The party that forms the Opposition are given state funding (known as Short Money). Currently the leader of the Opposition received £775k a year. All parties receive £16.k for every seat they have and £33.33 for every 200 votes they received at the last election. Money is also paid for travel expenses. In 2015/2016 the Labour Party received 6.8m in Short Money.)

What are the limits on the Opposition?

However good the Opposition is, there are a number of limits on them. These include:

- The Opposition have normally just lost an election. They are often blamed with many of the problems the Government are trying to fix. This makes it difficult for them to criticise the Government and be credible.

- The Government sets the political agenda in Parliament. The Government can take Opposition policies if they are good enough. The leader of the Opposition might not want to give away his best ideas until the General Election is due, however, this makes people think he is not providing a credible alternative.
- Only 20 days during each session are given to HM Opposition to set the parliamentary agenda.
- The Opposition lacks the infrastructure of government that is available to the party in power. The Government have an army of Civil Servants and **Political Advisors** (such as **SPADS** ‘Special Advisors’ to support them). The Opposition does not have access to the Civil Service and cannot always afford as many advisors as the Government.
- The Opposition is often divided. It is easier to change a Leader of the Opposition than a PM. Only one PM has been removed since 1997; this was voluntarily, by Tony Blair. In this time there were a number of Leaders of the Opposition removed:
 - o William Hague
 - o Iain Duncan-Smith
 - o Michael Howard

How important are political parties and whips?

Political parties are an important part of the way that the House of Commons operates. In Britain, the nature of politics practiced is **adversarial politics**. This means that the Government is directly opposed by the Opposition.

Whips are members of the political parties who are responsible for enforcing party discipline. Parties have a number of whips, headed by a **Chief Whip**.

The Whips

The Government Chief Whip – Julian Smith

The importance of the Government Chief Whip is perhaps shown by the house he is given: 9 Downing Street.

Assistant Whips – 17

Opposition Chief Whip – Nick Brown

Liberal Democrats Chief Whip – Alistair Carmichael

The Government Chief Whip is a particularly important figure. He has a place in the Cabinet and is one of the few political figures with direct access to the Prime Minister.

One of the ways the whips work is by clearly noting down how their MPs are expected to vote on a particular issue. They do this by underlining the motion on the parliamentary order paper that is given to MPs each day:

A Single Line Whip – Indicates what the party would suggest about an issue. Members do not have to attend this vote.

A Double Line Whip – Is an instruction to attend the Commons and to vote which strongly suggests a vote in a certain way.

A Three-Line Whip – Is a strict instruction to attend and to vote in the way that the party suggests. Not attending and voting in the correct way may result in party disciplinary action and is a major news event.

Examples of ‘Three-Line Whips’

- In October 2011 there was a motion in the House of Commons demanding a referendum on UK Membership of the EU. David Cameron ordered a three-line whip for his MPs to oppose this motion. Despite this, 81 Conservative MPs voted against the Government – thereby ignoring David Cameron’s instructions.
- In 2013, David Cameron promised a referendum on the EU in 2017, due to pressure from his backbenchers.
- In 2014 Ed Miliband ordered a three-line whip for his MPs to recognise the statehood of Palestine. By contrast, David Cameron gave Conservatives a ‘Free Vote’. The motion passed by 274 to 12.
- In March 2017 Jeremy Corbyn ordered a three-line whip for his MPs to vote in favour of triggering Article 50. Embarrassingly for him, 47 Labour MPs ignored his instructions.

Whips also have a role to play when the voting actually takes place. Whips stand outside the division lobbies, checking that their MPs go into the right one.

Sometimes, if someone cannot attend a vote, a whip will request they are paired with someone from another party who would have vote differently. Neither of the pair will then votes, thus cancelling each other out.

The ultimate sanction by a political party towards an MP is to ‘have the whip withdrawn’. This means that the MP in question no longer sits in the House of Commons as a representative of the party in question.

MPs who have had the Whip Withdrawn

In 1994, eight Conservative MPs had the whip withdrawn by John Major’s Chief Whip for voting against the Maastricht Treaty which saw the reformation of the E.E.C as the European Union.

In 2003, George Galloway had the whip withdrawn for his vehement criticism of the Labour Party’s position on Iraq.

In 2013, Liberal Democrat MP David Ward had the whip withdrawn for his comments over the Israeli-Palestinian crisis.

In 2017/2018 a number of MPs have had the whip withdrawn due to allegations of sexual misconduct.

MPs can also decide to resign the whip and join another political party. This is known as **crossing the floor**. MPs do not have to stand for re-election when doing this, as they are elected as individuals rather than as members of a party.

In 2014, both Douglas Carswell and Mark Reckless resigned the Conservative Whip and joined UKIP. They both immediately resigned as MPs and ran in a by-election. They won, thus becoming the first elected UKIP MPs.

Douglas Carswell (UKIP MP for Clacton with a 12,068 majority)

Mark Reckless (UKIP MP for Rochester and Strood with a 2,920 majority)

This has led to a new convention known as the Carswell Convention.

How effective are Backbench MPs?

Traditionally, Backbench MPs have been considered quite weak in Parliament. There are a number of reasons for this:

- **Demands of Party Loyalty** – MPs know that it is very hard to be elected to Parliament without the support of a political party. Therefore, they need to keep their political party onside and not risk the wrath of the whip by rebelling against them.
- **Heavy Whipping** – Backbench MPs are very heavily whipped and have little chance to exercise their own independent judgement on bills without risking upsetting the whips by voting the wrong way during **divisions**.
- **Lack of Free Votes** – There are very few ‘**free votes**’ in the House of Commons. These are votes that are completely un-whipped. Free votes are often called conscience votes. They tend to be about issues regarding morality. These are rare, as most voted are ‘**whipped votes**’.

Recent Free Votes in the House of Commons

2015-2016 – Jeremy Corbyn granted the Labour Party a Free Vote over the issue of air strikes in Syria.

2014-2015 - Human Fertilisation and Embryology (Amendment). This allowed babies to be created from two women and one man.

2012-13 - Marriage (Same Sex Couples) Bill. This gave homosexual couples the same rights to marry as heterosexual couples.

2010-12 - Voting by Prisoners; Backbench Business Debate. A vote on whether prisoners should be given the vote after criticism from the ECHR. The house voted clearly that prisoners should not get the vote.

In the run-up to the 2017 General Election, Theresa May promised that she would hold a Free Vote on the repeal of the Hunting Act (2004). In doing so, she also announced that she personally was in favour of repealing the Hunting Act. However, since then she has backed down on this promise.

- **Power of Patronage** – Party Leaders have incredible powers of **patronage**. If a backbencher wants to advance their career in the future, they need to have the party leader onside.
- **Poor Facilities** – Backbench MPs are also hampered by bad facilities. Although a new building was built for MPs in 2001 called Portcullis House, many are still based in the Palace of Westminster, the complete refurbishment of which is estimated to cost over £2 Billion Pounds.
- **Membership of Committees** – Although membership of Committees allows MPs to scrutinise the Government, thereby increasing the effectiveness, it is also a large burden on their time. This means much parliamentary business is missed by MPs.

MPs Workload

A survey by the Hansard Society of the 227 new MPs after the 2010 election suggested they were working an average of 69 hours a week.

A poll suggested they spent more time on constituency business than any other matter and spent 63% of their time in Westminster compared to 37% in their home constituency.

Parliament's schedule each day runs to 10PM, which is particularly bad for family-life.

- **The Complexity of Government Business** – Government business is extremely complex and MPs have to try to become relative experts in a wide range of fields. As a result of this, MPs tend to focus their efforts and expertise on certain areas. This inevitably has a negative effect on their abilities elsewhere in Parliament.

MPs with Specialist Interests and Expertise

Bill Cash – A Conservative MP who is a prominent Eurosceptic who focuses much of his time on issues of Britain's relationship with the European Union.

John Redwood – A Conservative MP who specialises in economic matters. He is seen as a genuine intellectual who brings economics into an academic focus.

Dennis Skinner – A veteran Labour MP who is a republican, he often concentrates on issues of Parliamentary Modernisation and Constitutional Reform.

How can backbench MPs be effective?

Despite the reliance they have on their parties, this also works two ways. Political Parties need their backbenchers onside to keep their majority or form an effective opposition to the Government.

- Powerful bodies within the political parties allow backbenchers to have an impact on their parties.

Backbench Groups

1922 Committee – This is a Backbench Conservative Party Group. It is named after a group of Backbench Conservative MPs who voted to end the coalition with the Liberals in 1922. They still meet once a week and the Chairman has direct access to the party leader or Prime Minister.

Parliamentary Labour Party – This term refers to the Labour Party in parliament. They have a big say in electing the next party leader and regularly hold meetings to discuss Party Policy.

In addition, many commentators believe that it is presently a Golden Age to be a backbencher. There are a number of reasons for this:

- **The Current Speaker** – The Current Speaker, John Bercow, is particularly proactive in looking out for the interests of backbenchers. In his first speech as Speaker, he said that this was his intention. In particular, he has become renowned for calling Ministers to answer urgent questions in the House of Commons.

Motion to change the election of the Speaker

On the very last day of the 2014-2015 Parliament the government brought forward a motion to make the elections to the position of Speaker secret. Only one hour was given for debate. This controversial action was clearly aimed at Jon Bercow himself, who is unpopular with the Conservative Leadership. The motion was rejected by a margin of 26 votes.

- **Backbench Business Committee** – A new committee set up in June 2010. It coordinates backbench MPs in organising the debates in Parliament for one day per week. This allows more issues that backbenchers are concerned about to be discussed in the House

The Backbench Business Committee

The establishment of an elected Backbench Business Committee in 2010 removed the scheduling of backbench (i.e. non-government) business from government control. The Wright report also recommended the establishment of a House Business Committee, made up of the elected members of the Backbench Business Committee together with frontbench representatives nominated by the party leaders, which would assume responsibility for the House's weekly agenda. This has not yet been implemented.

Despite this, the Backbench Business Committee has given Backbench MPs much more significant control over what happens within the House of Commons.

Several debates granted through this route have directly affected government policy, including Mark Pritchard's motion to ban the use of wild animals in circuses, and the memorable debate on the release of the Hillsborough papers, secured by Steve Rotherham.

Although many debates do not have such a profound effect, they can help bring issues strongly to media and public attention. For example, David Nuttall's motion calling for a referendum on EU membership led to one of the biggest Conservative Party rebellions in the post-war era.

- **Election to Select Committees** – MPs are now elected to Select Committees, rather than chosen by the Party Whip. This means that they are less beholden to the leadership of their party for advancement and are, therefore, more able to act independently within Select Committee.

What is Parliamentary Privilege and why is it important?

Parliamentary Privilege allows any member of Parliament, either from the Commons or the Lords, to speak freely whilst exercising their role within Parliament. This means that they cannot be sued for slander or libel and cannot be prosecuted for contempt of court of breaching the Official Secrets Act.

Before the Glorious Revolution of 1688 the rights of Members of Parliament to exercise their role without fear of persecution by the Crown were not clear. There were a number of famous occasions whereby the Crown tried to intimidate Members of Parliament. By far the most famous example was when Charles I entered the House of Commons to arrest five members of Parliament on 4th January 1642.

When the Glorious Revolution occurred Britain essentially became a constitutional monarchy. In 1689 the Bill of Rights received Royal Assent. The Bill of Rights solidified the fact that Britain now had a constitutional monarchy. One of the clauses of the bill stated that:

“That the Freedom of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament.”

This saw the birth of modern parliamentary privilege.

Parliamentary Privilege is checked by the Committee on Privileges. This is headed by Labour MP Kevin Barron and can suspend a member for abusing their right to parliamentary privilege.

The Zircon Affair

The **Zircon Affair** began when in 1985 BBC Scotland produced a television documentary series called *Secret Society*. As part of this the programme was going to reveal details about a spy satellite that the Government had not disclosed to the Public Account Committee, which was meant to be able to have financial oversight over the Government. GCHQ, one of Britain’s spy agencies tried to stop the BBC from airing the programme, when they refused, Special Branch raided the offices of BBC Scotland. With the help of MPs, the producer of the programme arranged for a showing in the House of Commons. Despite it being a breach of the Official Secrets Act, the MPs who watched it were exercising Parliamentary Privilege in doing so. This was a catalyst for the issue becoming public knowledge and it was extremely embarrassing to the Government.

John Hemming breaches injunction in the Commons

In 2011 a Premier League footballer was reported to be having an affair by major news outlets. However, the footballer in question had taken out an injunction at the High Court. This meant that no-one, including the newspapers, were able to reveal the identity of the footballer in question. The problem with injunctions in modern society is that social media allows information to be shared to millions of people at the touch of a button – in essence making them unfeasible. Everyone on social media knew the identity of the footballer in question, however, ridiculously, it could not be published in the newspapers. The Liberal Democrat MP, John Hemming, recognised the nonsensical nature of this situation and used his right of Parliamentary Privilege to highlight that the footballer in question was, in fact, Manchester United superstar Ryan Giggs. Although he had breached an injunction, Hemming could not be punished because of Parliamentary Privilege. Although he was told off by the Speaker, Hemming had effectively made his point.

Parliamentary Privilege helps to underpin the doctrine of Parliamentary Sovereignty. Without Parliamentary Privilege, MPs would not be able to fully represent their constituents' interests and MPs would not be able to scrutinise the Government without fear of falling foul of legislation, such as the Official Secrets Act. As such, it is an essential element of a modern **parliamentary democracy**.

Is there an Elective Dictatorship in Britain?

The term '**Elective Dictatorship**' was coined by Lord Hailsham in 1976. It refers to the idea that Parliament is completely dominated by the Government of the day to the extent that despite being popularly elected, the government can act like a dictatorship.

Lord Hailsham's 'Elective Dictatorship'

Hailsham was writing in the 1970s, during the government of James Callaghan. He argued that Britain was an Elective Dictatorship for two key reasons:

- The lack of separation of powers and the control of Parliament by the PM (majority party and party discipline), once elected, the PM was in effect a dictator.
- The PM has little need to listen to others for the next 4-5 years, with powers to alter the Constitution and the British political system. No other body could check the PM.

The concept of an elective dictatorship still exists in the UK. There are a number of reasons why this is the case:

- Most British Governments are created with a clear majority. The First Past the Post voting system makes this likely.

Since 1945 there have been 19 General Elections:

They have produced:

17 Majority Governments

2 Minority Governments (Harold Wilson in February 1974 and Theresa May in June 2017)

1 Coalition Government in 2010

The average majority in Parliament since 1945 has been 57 seats.

- MPs are extremely heavily whipped, to fall into line with what the party leadership wants.

Between July 1945 and July 2010, there were 18799 divisions (votes) in Parliament. Of these, the last five Prime Ministers lost:

Margaret Thatcher – 4 votes

John Major – 6 votes

Tony Blair – 4 votes (All in 2005)

Gordon Brown – 3 votes Between 2010 and 2015

David Cameron only lost six votes in five years, this is despite heading a coalition government.

Since 1945, sitting Prime Ministers have won 99.5% of all votes in the House of Commons.

- MPs rely on their political parties for their position, without it, they are unlikely to be elected.

Since 1950, only 9 MPs have been elected as independents. The only current sitting MP who was elected as an independent is Sylvia Hermon.

Only 4 minor political parties have had MPs in Parliament:

UKIP (Mark Reckless and Douglas Carswell defected from the Conservatives)

Respect (George Galloway)

Green (Caroline Lucas)

Democratic Labour (Dick Taverne in 1974)

So far, only 3 Minor Political Parties have successfully won an election to the Westminster Parliament.

- The Prime Minister is unmistakably the most powerful person in his or her political party, meaning their personal influence is large. The most obvious example of this power of patronage is that the Prime Minister appoints his own government ministers.
- For an MP to advance in their career, they therefore need the personal support of the PM and are unlikely to do anything to upset him or her.
- There are few Checks and Balances in the constitutional system. The Government largely dominates the Parliamentary Agenda.

Reasons for the argument that an Elective Dictatorship exists

- The Government dominates the House of Commons numerically.
- They shape the agenda of the House of Commons.
- They determine which laws will be presented for debate.
- They control the flow of information to the House of Commons.
- MPs are heavily whipped and unlikely to oppose their leaders.
- The PM holds an enormous power of patronage over MPs.

What is the Current Reputation of Parliament?

The reputation of Parliament has suffered greatly in recent years. There are a number of reasons for this. However, one stood out beyond others.

The MPs Expenses Scandal – In 2009, one of the biggest political scandals of all time rocked the British Political System. This was the publication of information by the Daily Telegraph showing MPs taking advantage of the expenses.

In particular, anger was shown at the 53 MPs who had ‘flipped’ their home. This means changing which of their home (either constituency or London) was designated as their second home. They then used Parliamentary expenses to renovate that home, before changing the designation!

Other scandals that have hurt the reputation of Parliament include:

- Cash for Questions affair (1990s).
- Nepotism Scandals (for example the Derek Conway case).
- Cash for Influence scandal (2010).

How has Parliament changed?

Parliament has changed significantly in the 20th and 21st centuries. The biggest changes include:

- The Parliament Acts of 1911 and 1949.
- Life Peerages Act (1958).
- Human Rights Act (1998).
- The Devolution Acts of 1998.
- The House of Lords Act (1999).

However, there have also been a number of procedural changes that have taken place since 1997. These include:

- The sittings times of the House of Commons was changed. This was changed to making them more ‘family friendly’.
- More office space was provided through the £235 Million building of Portcullis House.
- Prime Minister’s Questions was moved from two 15 minute slots to one half-hour slot.
- The Commons’ Liaison Committee, made up of all the chairs of the Commons committees, has been able to regularly call upon the Prime Minister to answer questions on behalf of all of the Select Committees.
- More time has been set aside for pre-legislative scrutiny of bills to make sure they are more carefully considered.
- Westminster Hall has now been used for debates to allow more MPs to have their say on major issues.

What do you need to know in this section?

<u>Topic</u>	<u>Have you made Revision Notes?</u>	<u>Have you revised?</u>
How is Parliament organised?		
The Roles of the House of Commons		
The Legislative Process		
The Roles of the House of Lords		
Is the House of Lords effective?		
How has the House of Lords changed?		
Should the House of Lords be reformed?		
How is the Government scrutinised by Parliament?		
Which House of Commons is dominant?		
The role of the Opposition		
The role of Political Parties in Parliament		
The Roles of MPs		
The Role and effectiveness of Committees		
Does Britain have an 'Elective Dictatorship'?		
The importance of Parliamentary Privilege		
What is the current reputation of Parliament?		