

What changes were made to the UK Constitution between 1900-1997?

During the twentieth century the pace of constitutional change in Britain sped up. This was particularly the case after 1997 when Tony Blair's New Labour embarked on a constitutional modernisation programme. However, a number of significant constitutional changes took place between 1900 to 1997 too:

- **Parliament Acts 1911 and 1949** - The Parliament Acts of 1911 and 1949 limited the power of the House of Lords. Before 1911 the House of Lords could block legislation. However, the 1911 Parliament Act limited the power of the House of Lords to delaying legislation for two years. The 1949 act went further by limiting the powers of delay to one year. Today, if the House of Lords votes against a Commons Bill, but the same bill then passes through the Commons for a second year, it will become law.

However, it is worth noting that the Parliament Act has only been used four times since 1949:

War Crime Act (1991) – Allowed UK Courts to try criminals retrospectively who committed crimes in Nazi Germany. This has resulted in only one prosecution.

European Parliamentary Elections Act (1999) – Changed the voting system for EU elections to D'Hondt system of proportional representation.

Sexual Offences (Amendment) Act (2000) – Made the age of consent for homosexual sex equal to that of heterosexual sex, at 16.

Hunting Act (2004) – Prohibited the use of dogs in Hunting of foxes and other wild mammals.

A* Zone

The fact that the Parliament Act is used very rarely should not be taken to mean that is unimportant. In fact, the opposite is arguably true. The very existence of the Parliament Act makes it far more likely that the House of Lords will back down in any disagreement with the House of Commons.

- **Representation of the People Act (1918)** - This changed the conditions required for people to vote. It gave the vote to practically all men and also extended the franchise to Women over the age of 30 who owned property or were married to a man who was able to vote.
- **Life Peerages Act (1958)** - The Life Peerages Act allowed for the creation of Life Peers who would sit in the House of Lords. This was an attempt to modernise the Lords and allow more people with specialisms to join its membership.
- **Representation of the People Act (1969)** - This Act of Parliament lowered the voting age for all otherwise eligible UK voters to the age of 18.

What changes were made to the UK Constitution between 1997 and 2010?

Tony Blair's government were elected with a landslide majority in 1997 of 179 seats. They secured this victory with the New Labour campaign promise of modernisation. They promised reforms to the constitution, and led the electorate to believe there would be a number of constitutional changes. These would include:

- A codified Constitution
- A UK bill of Rights
- An elected Upper Chamber
- A proportional system of elections
- State funding of political parties

- Devolution to the areas of the UK
- Referendums on major constitutional reforms

Labour did not achieve changes in all of these areas, some commentators have argued that the Labour government did not reach its expectations in the area of constitutional reform.

However, in thirteen years of Labour Government there were constitutional changes.

Labour's constitutional changes can best be split into four areas:

Decentralisation – The movement of power away from Westminster.

Democratisation – The process of enhancing democratic systems in the UK.

Modernisation – The modernisation of institutions and process that were arguably outdated.

Rights – Reforms that focused on extending the rights of citizens.

How did New Labour try to achieve democratic reforms?

House of Lords Reform

The Labour Government promised a fully elected House of Lords. They did not manage to achieve this. However, in 1999 they passed the House of Lords Act (1999). This removed all but 92 hereditary peers from the Lords. Ironically, the 92 hereditary peers that were able to remain by winning elections held by their fellow peers. This means the only elected people to ever sit in the House of Lords are hereditary peers!

Despite this change, for 13 years Labour were unable to bring about their promise of a fully elected House of Lords.

Referendums

The Labour government promised referendums on issues of major constitutional concern. Referendums were held on devolution to Scotland, Wales and Northern Ireland. Referendums were also held on whether there should be a Mayor of London.

Devolution Referendum Results

Scottish Devolution Referendum 1979 – 74% to 26% in favour of Scottish Devolution.

Welsh Devolution Referendum 1979 – 50.3% to 49.7% in favour of Welsh Devolution.

Northern Irish Good Friday Agreement Referendum 1998 – 71% to 29% in favour of the Good Friday Agreement and Northern Irish Devolution.

Greater London Authority Referendum 1998 – 72% to 28% in favour of greater devolution to London, including a directly elected Mayor of London.

However, promised referendums from Labour on issues such as electoral reform, the [European Constitution](#) and Britain joining the Euro were never held.

Voting Systems

A more **proportional voting system** was introduced for new elections under Labour including that for Devolved Assemblies, the **European Union** and elected mayors. However, no action was taken on electoral reform for elections to Westminster.

Voting Systems used across the UK

First Past the Post – Used in UK General Elections and Local Elections in England.

Supplementary Vote – Used for London Mayoral Elections, Directly Elected Mayors and Police and Crime Commissioners

Regional List – Used for European Elections in the UK and for some of the seats in the Scottish Parliament, Welsh Assembly and London Assembly.

Single Transferable Vote – Used for local elections in Scotland and Northern Ireland.

Additional Member System – Used for elections to the Scottish Parliament, Welsh Assembly and London Assembly.

Creation of Electoral Commission

The Electoral Commission was set up in 2001. Its key roles are:

- To regulate party and election finances.
- To register political parties.
- To oversee electoral registers and the registration of voters.
- To give guidance and oversight of the running of elections and referendums.
- To oversee the distribution of seats in the EU elections (prior to 31st January 2020).

Importantly, the Electoral Commission is independent of government and parliament.

Political Finance Reform

Under New Labour the **Political Parties, Elections and Referendums Act (2000)**, often known as the PPERA, was passed. The act established the electoral commission and set down financial regulations for political parties. Its key provisions included that:

- Limited political parties from accepting donations from individuals who are not on the electoral register.
- Placed limits on the amount of money that could be spent by political parties in the run up to each election. At present, parties can spend £30,000 per constituency.
- All donations over £7,500 have to be declared by political parties.

How did Labour try to decentralise power?

As promised, the Labour Government introduced wide-scale devolution across the UK. This resulted in devolved governments for:

Northern Ireland (1998)

Scotland (1998)

Wales (1998)
London (1999)

However, Labour plans for greater devolved assemblies were dropped after a ‘no’ vote in a referendum for a North-East regional assembly.

In addition, only 12 local authorities adopted the new elected Mayor model, one of these was London.

How did Labour try to achieve constitutional modernisation?

Judicial Reform

Labour introduced wide-scale Judicial Reform. In 2005 the Constitutional Reform Act introduced a Supreme Court for the UK. This Act also removed most of the traditional powers of the **Lord Chancellor** and introduced a new **Judicial Appointments Commission**.

House of Commons modernisation

Under New Labour, a number of ways to modernise the procedures of the House of Commons were adopted. These included:

- Prime Minister Questions was moved to a Wednesday 12.00 rather than 15.00 on Mondays and Thursdays.
- Additional Debates were held in Westminster Hall to allow more time for Backbench Debates.
- Sitting Hours were changed to make them more family friendly.

How did Labour try to enhance rights?

Labour incorporated the **European Convention of Human Rights** into UK law by passing the **Human Rights Act (1998)**. Later, under Gordon Brown, the **Equality Act (2010)** was passed. This Act legally prevents discrimination based on protected characteristics including: race, disability and religion.

They also passed the **Freedom of Information Act** in 2000. This gives individuals the right to request information held by public bodies.

Even though it was introduced by his government, Tony Blair said in his autobiography about the Freedom of Information Act that he thought “There is really no description of stupidity, no matter how vivid, that is adequate. I quake at the imbecility of it.”

Labour also proposed a Bill of Rights and Responsibilities, but this was not introduced as law. Labour was criticised by the Supreme Court for not following Article 5 of the Human Rights Act, by introducing stricter Anti-Terrorism laws.

How successful was New Labour's constitutional modernisation?

<u>Focus</u>	<u>Area of Success</u>	<u>Area of Weakness</u>	<u>Overall</u>
Modernisation	Some modernisation of the House of Lords. The Constitutional Reform Act (2005).	The House of Lords Act was only one stage of a three-stage reform and left 92 Hereditary Peers in the House of Lords.	Weak in some areas (like the House of Lords) but strong in others, like the reform of the judiciary.
Democratisation	European Parliament Elections now held using the D'Hondt System. Devolution allowed more participation.	Labour failed to hold a Referendum on joining the Euro despite promising to do so. The House of Lords remains an unelected chamber.	Some significant reforms, but could have gone further.
Decentralisation	Devolution to the regions of the UK: Scotland Wales Northern Ireland	Devolution to the regions of the UK did not advance more than past London.	Major reform, but could have gone further.
Rights	Human Rights Act (1998). Equality Act (2010). Freedom of Information Act (2000).	No clear weaknesses.	Major reform which achieved far more than any other government in history.

DDRM

If you are answering an exam question about the success of New Labour's constitutional reforms it will be better if you are able to deal with it thematically. Try to remember the different areas of constitutional reform:

- D – Decentralisation
- D – Democratisation
- R – Rights
- M - Modernisation

What changes were made to the Constitution the Coalition Government between 2010 and 2015?

In May 2010 the Conservatives and Liberal Democrats agreed to form a coalition government. To prepare for this, they published a coalition agreement. As part of this agreement many areas of constitutional reform would be settled. The Coalition Agreement included:

- A referendum on the use of the Alternative Vote in General Elections
- An Elected House of Lords
- Fixed Term Parliaments
- A reduction in the size of the House of Commons
- Greater Powers for the Scottish and Welsh Assembly
- Registration of Lobby Groups
- The right to recall members of Parliament
- To amend the European Communities Act of 1972 to require a referendum on future transfer of powers
- To reconsider the Human Rights Act

AV Referendum

As promised a referendum was held in May 2011 on whether Britain should adopt an ‘Alternative Vote’ system for Westminster Elections. The Liberal Democrats campaigned for AV and the Conservatives and Labour campaigned to keep ‘First Past the Post’. This result was a conclusive 67.9% in favour of keeping ‘First Past the Post’.

Elected House of Lords

The government had planned to pass a bill through Parliament to turn the House of Lords into a Senate, with 450 elected members having a 15-year term of office. In July 2012 91 Conservative Members voted against even debating the issue in Parliament and the proposal came to a complete standstill. As a result, Nick Clegg also said he would not support electoral boundary changes, which were part of the first coalition deal.

Fixed Term Parliaments

In 2011 the Fixed Term Parliaments Act was passed. This guarantees that elections will be held every five years, unless:

- A motion for an early General Election is agreed by at least two-thirds of the House of Commons.
- If a motion of no confidence is passed in the government and no alternative government is confirmed within 14 days.

Critics have argued the Liberal Democrats only pushed for this to avoid being kicked out of government as soon as the Conservatives popularity increased enough for them to call a new General Election.

A* Zone

On the face of it the Fixed-Term Parliaments Act (2011) appears to be an extremely significant reform. However, in reality, it is perhaps not that important:

June 2017 – Theresa May wanted to hold an early election. Labour voted for this, because they did not wish to look weak. In reality, this will already be a consideration for an opposition party. In June 2017 Parliament voted for an election by 522-13, comfortably above a 2/3s majority.

December 2017 – Boris Johnson tried to persuade Parliament to vote for an early election. Three times he failed to reach the required 2/3 majority. Therefore, Johnson passed a separate bill called the Early Parliamentary General Election Act 2019 to ignore the Fixed-Term Parliament Act and hold an early election.

A reduction in the size of the House of Commons

Coalition plans aimed to reduce the size of the House of Commons to 600 MPs. The original target of the Liberal Democrats was 500. The parliamentary Voting and Constituencies Act was passed in February 2011. However, it will not take effect until the 2026 general election.

Greater Powers to the Devolved Regions

Wales

New powers over Energy, Transport, Environment and Elections were promised for Wales in February 2014. In addition, in February 2015 David Cameron suggested a referendum could be held on whether Wales can set its own income tax rates.

Scotland

New powers were granted to Scotland as part of ‘Devo-Max’. These include the power to deviate from UK Income Tax levels by 3%. It also added greater powers on all other issues except Defence and Foreign Affairs.

Critics of ‘Devo-Max’ have suggested that the government only granted it after panic during the Scottish Referendum campaign that suggested that the ‘Yes’ campaign were heading for victory.

Northern Ireland

Northern Ireland saw the least change under the Coalition. Because of the unique ‘power-sharing’ arrangement between the nationalists and unionists in Northern Ireland, change was more limited as time needs to be given to consolidation of the status quo.

Recall of MPs

In the Coalition Agreement it was stated legislation that would be passed that allowed the recall of MPs by their constituents. Prior to this, there had been no way for an MP to be removed from their position. The bill that was eventually passed was called the Recall of MPs Act (2015). It was a much-watered down version from what had originally been discussed. The circumstances under which an MP could be recalled were limited to those in which the serving MP had been given a prison sentence or suspended by the House of Commons. A petition signed by 10% of constituents in these circumstances would initiate a by-election. The process has been used three times:

Uses of the Recall of MPs Act (2015)

Ian Paisley Jr – The DUP MP was suspended from the House of Commons for 30-days for not declaring money he had received from the Sri Lankan Government. A petition was started but only 9.4% of his constituents signed the petition.

Fiona Onasanya – The Labour MP was imprisoned for lying about whether she was driving a car that was caught speeding. A petition was started in which 27.6% of her constituents called for her to be recalled. A by-election was held, but Onasanya did not stand in the by-election.

Christopher Davies – The Conservative MP was convicted for false expense claims. A petition was started and 18.9% of his constituents signed it. He stood as Conservative candidate in the by-election but lost to the Liberal Democrat candidate.

Scottish Independence Referendum, 2014

In September 2014 a referendum was held in Scotland on whether or not Scotland should remain part of the United Kingdom. The result was that 55% of Scots voted to remain in the UK.

Registration of Lobby Groups

In February 2010 David Cameron called lobbying the ‘next great scandal’. The government passed the ‘Lobbying Bill’ in 2014, despite resistance from the House of Lords. This created a register for all lobbying groups and limits spending on political campaigns by lobbyists during General Elections.

However, the lobbying issue came back to the fore in February 2015 when two former Foreign Secretaries, Malcolm Rifkind and Jack Straw, were filmed by undercover reporters agreeing to use their influence to support a fictional Chinese company, in exchange for money.

European Union Reform

The coalition agreement agreed to make sure that any future powers transferring to the European Union would be subject to a referendum. They also agreed to consider a UK Sovereignty Bill, making sure that it is clear that ultimate sovereignty remains with the UK. They were successful with the first point. The European Union Act (2011) requires referendums for new treaties transferring powers from the UK to the EU. In 2013, David Cameron also promised to hold a referendum on the UK’s membership of the EU.

A British Bill of Rights

The Conservatives have for many years talked about replacing the Human Rights Act with a UK Bill of Rights. The Liberal Democrats agreed to consider this, if a citizen’s convention was set up to consider drawing up a codified Constitution. A commission on the Bill of Rights showed that a majority of people in the UK favoured a UK Bill of Rights. However, relatively little progress was made on the consideration of a Codified Constitution.

What constitutional reform has there been since 2015?

In the May 2015 majority, the Conservatives won a majority. David Cameron was Prime Minister until July 2016, when he was replaced by Theresa May. In June 2017, Theresa May did not win a majority and instead was forced to form a **confidence and supply agreement** with the DUP. Finally, Boris Johnson replaced Theresa May in July 2019 and won an 80-seat majority in the December 2019 General Election.

Constitutional Reform under David Cameron’s Government May 2015-June 2017:

David Cameron surprisingly won a small majority in the May 2015 General Election. This gave his government the scope to consider some constitutional changes:

English Votes for English Laws - By adding the ‘Grand Committee’ stage to the legislative process David Cameron’s Government moved somewhat towards allowing English MPs to have a special say on English-Only matters. However, this is still not satisfactory to many, as Welsh, Scottish and Irish MPs still have a say on the final bill.

European Union Withdrawal – On the 23rd June 2016 the promised referendum was held on Britain’s place in the European Union. The British people voted to leave the EU by 52% to 48%.

Greater Devolution – David Cameron oversaw greater devolution to Scotland and Wales. The Scotland Act (2016) gave greater tax-raising powers to the Scottish Parliament. The Act also stipulated that a Referendum would have to be

held before either the Scottish Parliament or Scottish Government could be abolished. The Wales Act (2017) gave tax-raising powers to the Welsh Assembly.

Constitutional Reform under Theresa May's Government July 2016-July 2019

As a result of the focus on Brexit, very little wider constitutional reform took place under Theresa May. However, it was a key period for the UK and its approach to Brexit:

European Union (Notification of Withdrawal) Act (2017) – In March 2017 Parliament passed the European Union Withdrawal Bill (2017) to instigate Article 50, the mechanism by which countries have a two-year window to negotiate their exit from the European Union.

European Union (Withdrawal) Act (2018) – In July 2017 the Government introduced the bill that would legally see Britain withdraw from the European Union.

However, as a result of the impasse over Brexit, Theresa May was not able to implement any other significant constitutional reforms.

Constitutional Reform under Boris Johnson's Government July 2019-Present

As part of his 2019 Election Manifesto Boris Johnson made a number of constitutional reform promises:

- To remove the First Term Parliament Act (2011).
- To equalise the size of electoral constituencies.
- To limit the power of judicial review.

On 30th January 2020 the **European Union (Withdrawal Agreement) Act** saw Britain formally withdraw from the EU on the 31st January 2020. However, his government still needs to reach a deal on the future relationship with the EU by 31st December 2020, or Britain will have a 'no-deal' relationship with the EU.

As of July 2020, he has not been able to achieve any of these beyond Brexit. This is because his first focus was on Brexit and his premiership then became dominated by the response to COVID-19.