

Topic 2: Parliament

What are the three components of Parliament?

The UK Parliament is made up of three parts:

- The House of Commons
- The House of Lords
- The Monarch (known as the Crown-in-Parliament)

This means that the UK system is **bicameral**, as it has two chambers of Parliament. A parliament that only has one chamber is known as **unicameral**.

Unicameral Parliaments vs. Bicameral Parliaments

Unicameral

Israel
New Zealand

Bicameral

Germany
United States
Australia

Some countries have experimented with a **tricameral** legislature. An example was South Africa in the 1980s. However, tricameralism has been widely seen as a failure when attempted.

What are the advantages of a Bicameral System?

- Second chambers can act as a check upon first chamber, particularly if there is a dominant executive.
- The executive can be checked more effectively.
- There is a broader basis for representation. This is particular the case in Federal countries, like Germany and the United States, in which the right of states are accentuated.
- Allows more time for a close examination of legislation.
- They can act as a constitutional check, making sure that the constitution is followed.
- A more diverse range of people can be represented.
- They may become more specialist in making and scrutinising legislation.

What are the disadvantages of a Bicameral System?

- They can be unnecessarily costly.
- Second chambers can sometimes have no useful role.
- They can sometimes slow down the government.
- They sometimes do not represent the electorate and tend to be conservative in outlook.
- They can lead to constitutional gridlock, with conflict between the two houses.
- They can sometimes reduce accountability of elected officials, with someone else being offered for blame.

What is the role of Parliament?

Parliament, as a whole, has five key roles:

Representation – MPs in the House of Commons serve a **constituency**. One of their duties is to represent the views of their constituents within the House of Commons.

Offering Government Ministers – Parliament provides the recruitment pool from which Ministers must be drawn. Unlike the USA and other countries, Government Ministers in Britain must be either a Member of the House of Commons or the House of Lords.

Legislation – One of Parliament’s primary functions is to make laws: to legislate. Although most of the bills proposed will be proposed by the government, they still must go through both Houses of Parliament to become laws.

Legitimation – The Government of the UK is not directly elected. Therefore, its legitimacy rests on having the support of the House of Commons. If the House of Commons passes a ‘motion of no confidence’, the government will be dissolved and a new election may need to be called.

Scrutiny – One of Parliament’s roles is also to scrutinise and question the work of the government. There are a number of ways that it does this, for instance through question ministers and having its members serve in committees.

To remember the roles of Parliaments, remember ‘ROLLS’

Representation
Offering Government Ministers
Legislation
Legitimation
Scrutiny

What different types of bills can be put forward in Parliament?

Before a law is passed it must be approved by both chambers of Parliament and then receive Royal Assent. Until this happens, each proposed law is known as a **bill**.

There are four main different types of bill. These are:

- Public
- Private Members (Public Bill)
- Private
- Hybrid Bills

Public Bills

Public Bills are those which will affect the population as a whole. They are almost always introduced by the government and are therefore often called **Government Bills**. They can be introduced in either the House of Lords or the House of Commons. However, any bill that is regarding finance and spending has to be introduced in the House of Commons by

Examples of Public Bills considered by Parliament in 2019-2021

Coronavirus Act (2020) – This bill laid out the powers that the government had to deal with the Coronavirus Pandemic. For example, the ability to place regions of the country in lockdown stemmed from the powers awarded to Ministers in this bill.

European Union (Withdrawal Agreement) Act (2020) – This is the bill that confirmed Britain's exit from the European Union on the 31.01.2020 in British law.

United Kingdom Internal Market Act (2020) – This is the bill that helped to regulate the internal markets of the UK following the end of the transition period with the European Union.

convention.

Private Member Bills

Private Members Bills are bills that are introduced by **backbenchers**. They are another type of Public Bill. As they are not introduced by the Government, Private Members Bills are extremely difficult to pass. Indeed, they are even very difficult to introduce in the first place.

Examples of Private Members Bills considered by Parliament in 2019-21

Assaults on Retail Workers (Offences) Bill (2020) – This bill was introduced by Labour MP Alex Norris. It aimed to make the assault of retail workers a specific offence. This would mean that assault on a retail worker might result in a longer sentence than a similar offence committed in a different setting. The bill fell after its First Reading.

Pets (Microchips) Bill (2021) – This bill was introduced by Conservative MP James Daly and would have made it a legal requirement to check a pet for a microchip and contact its owner if a microchip was found before it was put down. The bill fell after its First Reading.

Child Safety (Cycle Helmets) Bill (2021) – This bill was introduced by Conservative MP Peter Bone. It would require any child under 16 to wear a helmet whilst riding a bike on a public road. As of December 2021 it is awaiting its Second Reading.

There are three ways that Private Members Bills can be introduced:

Private Members Ballot – In every parliamentary session a lottery is held in which members can apply for a slot to get the chance to introduce a Private Members Bill. Only 30 slots are available, and only the first seven are likely to get a full

Example of a Recent Bill passed from the Ballot

Organ Donation (Deemed Consent) Act (2019) – This bill was introduced by a Labour Backbencher called Geoffrey Robinson. This bill changes organ donation rules so that in future it is presumed people are happy for their organs to be donated unless they explicitly opt out if their next of kin can indicate they would have opted out.

2021 Ballot Winners and their proposed bills

1. Mark Jenkinson, Conservative, Workington: Education (Careers Guidance in Schools) Bill
2. Barry Gardiner, Labour, Brent North: Employment and Trade Union Rights (Dismissal and Re-engagement) Bill
3. Carolyn Harris, Labour, Swansea East: Menopause (Support and Services) Bill
4. Dr Liam Fox, Conservative, North Somerset: Down Syndrome Bill
5. Sajid Javid*, Conservative, Bromsgrove: Bill not entered.
6. Kevin Brennan, Labour, Cardiff West: Copyright (Rights and Remuneration of Musicians, Etc.) Bill
7. Jeff Smith, Labour, Manchester Withington: Medical Cannabis (Access) Bill

* At the time of the ballot Sajid Javid was a Backbench MP but has since been made Secretary of State for Health.

day's debate in the Commons.

Ten Minute Rule Bill – On Tuesdays and Wednesdays there is a limited time available for members to introduce a Ten-Minute Rule Bill. This gives them the chance to introduce a bill to Parliament and to talk about it for ten minutes. Ten

Low Success Rate of Ten-Minute Rule Bills

Between the 2015 election and December 2021 there were 363 Private Members Bills introduced under the Ten-Minute Rule motion. Of these, only 4 (1.1%) have received Royal Assent.

Christopher Chope and Private Members Bills

Between the 2015 General Election and December 2021 Conservative MP Christopher Chope introduced 119 Private Members Bills, none of which have become law. However, he clearly can point his constituents to his incessant activity in the chamber and that he is advocating for the interests that he believes that they care about.

The Last Private Members Bill passed as a Ten-Minute Rule Bill

Holocaust (Return of Cultural Objects) Act (2019) – This bill was introduced by Theresa Villiers Amess, a Conservative Backbench MP. It extended the timeframe of a previous act that forces the return of cultural objects unlawfully acquired during the Holocaust, like Art Work.

A* Zone

Even though it is very unusual for a Backbench MP to be able to get a bill passed by a Ten-Minute Rule Bill, this does not make them unimportant. It allows Backbench MPs to advertise an issue. Importantly, this is a very prominent way for an MP to show their constituents that they are representing them.

For example, in 2019 Theresa May, by then a backbench MP, introduced a bill to increase the maximum sentence for Death by Dangerous Driving. In her speech, she referenced three of her Maidenhead constituents. This speech was reported favourably in her local paper, the Maidenhead Advertiser. Her campaign led to the Government including May's proposals in the Police, Crime, Sentencing and Courts Bill 2021. This will increase the penalties for dangerous driving, including by raising the maximum penalty for causing a death whilst under the influence of drink and drugs to fourteen years.

minutes is also allocated for debate. Often, Ten Minute Rule Bills are used as a chance to advertise an issue, rather than a serious attempt to pass the bill.

Ordinary Presentation – This allows MPs to introduce a bill to Parliament in writing. However, they do not have the

A* Zone

In September 2019, MPs managed to wrestle control of the parliamentary agenda in order to legislate to stop a no-deal Brexit from being possible in 2019. This effort was led by Labour's Hillary Benn. He managed to persuade Parliament to pass the European Union (Withdrawal) (No.2) Act (2019). This started its passage in the House of Commons on the 04.09.19 and passed through the House of Lords just two days later. It was this bill that forced the Prime Minister to seek an extension to the Article 50 period. This bill was introduced by Ordinary Presentation.

The Last Private Members Bill passed by Ordinary Presentation

Animal Welfare (Service Animals) Act (2019) – This bill amended the Animal Welfare Act (2006) to make it a specific offence to harm a service animal, for example a Police Dog.

chance to speak in favour of it and there is no guarantee of any debate on the issue. As such, these types of bill rarely become law.

Members of the House of Lords can also introduce a Private Members' Bill. However, they need an MP in the House of Commons to support them in order for the bill to be taken forward.

Why are Private Members Bills so hard to pass?

The statistics clearly indicate that Private Members Bills are very hard to pass:

<u>Parliamentary Session</u>	<u>Bills receiving Royal Assent</u>	<u>Government Bills</u>	<u>Hybrid Bills</u>	<u>Private Bills</u>	<u>Private Members Bills</u>
2015-2016	38	26	1	5	6
2016-2017	39	24	1	6	8
2017-2019	72	52	1	4	15
2019-2019	4	3	1	0	0

2019-2021	58	50	1	0	7
2021-December 2021	10	10	0	0	0
Totals	221	165	5	15	36

This means that between the 2015 General Election and December 2021 of the bills that became Acts of Parliament:

- 76.9% were Government Bills
- 6.7% were Private Bills
- 16.2% were Private Members Bills

There are a number of reasons why Private Members Bills are unlikely to become Acts of Parliament:

1. Lack of Time

Under House of Commons [Standing Order 14](#) “government business shall have precedence at every sitting”. This means that the Government controls most of the Parliamentary time available. Just 35 days in parliamentary sessions are put aside for Backbench Business. This means there are limited opportunities for a bill to be put forward.

2. Lack of Government Support

The main parliamentary aim of the Government is to fulfil their legislative agenda and their manifesto promises. They are not usually keen on supporting Opposition bills, even if they are introduced by an Opposition Backbencher. Under First Past the Post Government’s normally have a significant majority and therefore Government support, at least to a significant degree, is required for any bill to pass.

3. The role of Government Whips

At times, Government Whips can lean on their backbenchers to put forward bills that are actually part of the Government’s agenda and although they may *technically* still be Backbench Bills, in reality they are usurped by the Government. With the enormous power or patronage that the whips have and the prestige that comes from having a Private Members Bill become a law, it takes a hardened MP to reject the advances of the Government whips.

4. Objections from other Backbench MPs

If a bill is down for debate but there is not time for it to be debated (this happens a often) the name of the bill will be read out by the Speaker. If no MP objects, the bill can pass to Second Reading without any debate. If the bill is entirely uncontroversial the bill might be allowed to pass to the next stage. However, often, opposition backbench MPs will object

Famous objection to a Private Members Bill

The Voyeurism (Offences) Bill (2019) was put forward to try to criminalise a loophole in the law that meant that so-called upskirting (taking a surreptitious photo up somebody’s skirt) was somehow not a crime. When this issue was brought up as a Private Members Bill the Conservative MP Christopher Chope objected. He was widely criticised for this, but said he was not objecting to the issue, but the way the Government was using backbench Fridays to push through bills that they wanted to pass.

to a bill being put forward without any debate. By simply shouting ‘object’ an opposition MP can kill a bill in its tracks.

5. Filibustering

Filibusters in the UK

In 2010 Jacob Rees-Mogg filibustered the Sustainable Livestock Bill. During his speech he resorted to reading poetry. He spoke from 14.10 to 14.30. He finished saying:

“Most people do not really like vegetables, particularly people who are meat-eaters. Those of us who are meat-eaters could do with a few chips on the side, but we do not want to be forced by Opposition Members to eat our greens, whether they be cauliflower or cabbages, spinach or marrows, turnips or carrots. I particularly dislike carrots, and I remember that George Bush Senior got into terrible trouble—”

At this point he was cut off by the Deputy Speaker as time for the debate (and therefore any vote) had run out.

In another even more controversial example, a bill that would have pardoned those convicted for historical ‘crimes’ of homosexual acts was filibustered by a Government Minister, Sam Gyimah.

Although more familiar in US Politics, **filibustering** is also a tactic used to prevent Private Members Bills passing. Filibustering is the process of talking out a bill in order to take up the time needed in order to hold a vote.

Why then do MPs try to put forward Private Members Bills?

Given they are so unlikely to pass, it is a worthwhile question to ask why backbench MPs bother to put forward Private Members Bills. However, there are a number of reasons:

1. Publicity

Putting forward a Private Members Bill can bring publicity both to an issue and to an MP themselves. It is a useful way for them to show their constituents that they are working hard in their interests. They will report on their bill in their constituency newsletters, and this will doubtless appease their constituents.

2. Prestige

Famous Successful Private Members Bills

The Murder (Abolition of Death Penalty) Act (1965) - in 1965 Backbench MP Sidney Silverman introduced a Private Members Bill to ban the Death Penalty. He suggested that all crimes that would potentially lead to the Death Penalty should be reduced to life imprisonment. This meant until 1998 only four crimes: Treason, Piracy, Arson of Royal Dockyards and Espionage could result in execution. In 1998, these last four were also removed as potential capital crimes.

The Abortion Act (1967) - This started as a Private Member Bill introduced by David Steel. It made Abortion legal in the UK under certain circumstances.

If an MP can get a Private Members Bill passed, however unlikely, they will forever cement a legacy in Parliament. Few parliamentarians achieve this, but the chance to make a positive difference in an issue that they are passionate about is too good an opportunity to turn down.

3. Pressure

In 2021 Labour MP Carolyn Harris put forward a Ballot Bill which would provide greater support services for women and people going through the menopause. This bill would never pass without government support, so she agreed to withdraw the bill in exchange for the Government agreeing to reduce the cost of Hormone Replacement Therapy Processes.

Bringing up an issue can put pressure on the Government to either support the bill or to adopt it as policy. In fact, in most cases, the most realistic chance that an MP has to get a bill turned into an Act is winning the support of the Government.

4. Scrutiny of the Government

Backbench Bills are a chance to scrutinise Government policies. Just like Government Whips may attempt to lean on an MP to put forward a Government policy, Opposition Whips may lean on an MP to put forward a bill that is implicitly critical of Government policy.

So, despite rarely passing without Government support, Private Members Bills still play an important role in the parliamentary process.

Example of a Private Bill considered by Parliament in

New Southgate Cemetery Act (2017) – This Act gave permission for bodies to be moved at Southgate Cemetery in order to increase space. It was passed in November 2017.

Private Bills

Private Bills can start in either house. Private Bills are those which affect only a small amount of people. For example, the discussion of where to build a new school that is funded by the government. They are very rare.

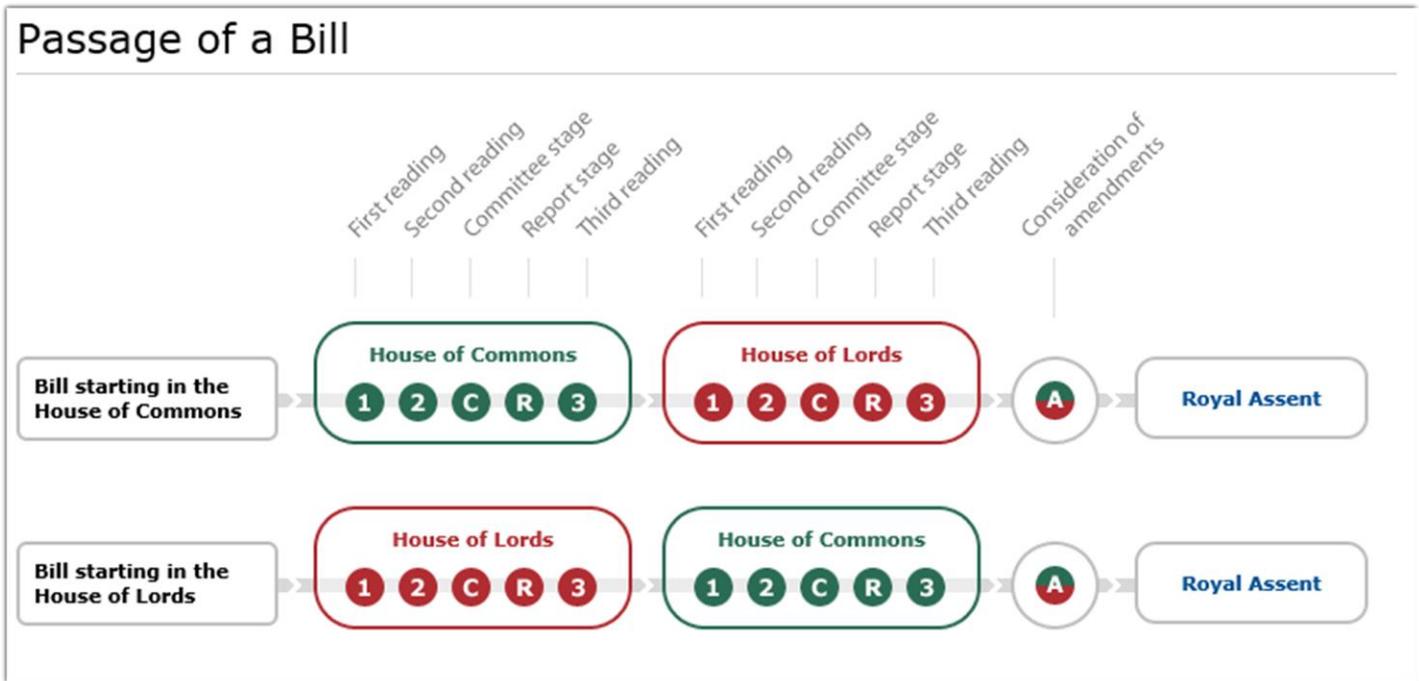
Hybrid Bills

Hybrid Bills are bills that have aspects of both a private and public nature. This means they are about an issue that will

Example of a Hybrid Bill passed by Parliament

High Speed Rail (West Midlands - Crewe) Bill (2020) – This Act made provision for building the High-Speed Rail link between Birmingham and Crewe.

affect the general population but also have a significant other impact on a certain group of people. Hybrid Bills face a larger parliamentary process than Public Bills, because a longer period is required to allow for adequate petitioning. Major national infrastructure products, like High-Speed Rail, have been Hybrid Bills.



What are the Legislative Stages a bill goes through?

Ultimately, whatever the type of bill, for it to become a law it must go through the same process:

Normally bills start in the House of Commons. However, they can start in the House of Lords. Wherever they start, they

Bills originating in the House of Lords

During the 2017-2019 Parliament there were 459 bills considered in total.

Of these, 96 began in the House of Lords.

The stages are called ‘readings’ because before printing became easier, the whole bill was read out in the House so members could understand its contents.

must go through both houses (unless the Parliament Act is used by the House of Commons).

First Reading – The bill is introduced, and a date is set for the Second Reading. There is no debate or vote on the bill at this stage.

Second Reading – The Second Reading is the first time that the bill is debated. Normally a **Minister** will explain what the bill is about and what the aim of the bill is. However, if it is a Private Member’s Bill then the Member proposing it will outline the bill. The bill will then be debated. A vote is taken, but it is a rare for a Government Bill to be opposed as Second Reading. Only twice since 1945 has the Government lost a vote on a bill at the Second Reading.

Committee Stage – After the Second Reading bills are sent to a **Public Bill Committee**. This used to be known as a ‘Standing Committee’. These Committees are specially set up to consider a particular bill. They are usually made up of between 16 and 50 members and political parties are represented in proportion to the number of seats they hold. The Committee Stage usually results in lots of amendments being placed on the bill. By the end of the Committee Stage many problems with the bill will have been ironed out. Public Bill Committees can call in outside experts to give evidence, in order to help MPs judge the bill. All bills go to Committee Stage but some do not go to a Public Bill Committee. Bills of

major constitutional significance (e.g the European Union (Withdrawal) Bill) or Finance Bills go to a **Committee of the Whole House**.

Report Stage – After the bill has been to Committee it goes to the report stage, where the report of the Committee’s changes is given back to the House. At this point, MPs who were not on the Committee can table amendments. It is unusual for a Government Bill to be defeated at Report Stage. Famously, John Major lost a vote over the Maastricht Treaty at the Report Stage.

The Report Stage is not used in the Commons if a Committee of the Whole House have considered the bill.

Third Reading – No major changes normally take place to a bill at the Third Reading. However, it is the most important vote as the bill is either confirmed or rejected.

Other House – When the bill has completed its journey through one house, it goes to the other house and goes through the same process. As there is only one version of the bill, for it to become law, both houses have to agree. This can result in what is nicknamed **parliamentary ping-pong** as the bill goes back and forth between the two houses.

Examples of Parliamentary Ping Pong

The Prevention of Terrorism Bill (2005)

Thirty Hours of Parliamentary Ping Pong took place over the introduction of the ‘sunset clause’ on the Prevention of Terrorism Bill in 2005. The timetable of these events was:

10 March 2005

1. *House of Lords* — 11:31am to 3:00pm
2. *House of Commons* — 6:00pm to 7:37pm
3. *House of Lords* — 10:15pm to 11:26pm

11 March 2005

1. *House of Commons* — 1:20am to 2:39am
2. *House of Lords* — 5:00am to 5:56am
3. *House of Commons* — 8:00am to 9:13am
4. *House of Lords* — 11:40am to 1:11pm
5. *House of Commons* — 3:30pm to 4:00pm
6. *House of Lords* — 6:30pm to 7:00pm

This means within 30 hours the bill went back and forth between the Lords and Commons ten times.

The Bill received Royal assent at 7:20pm on 11 March 2005.

The Health and Social Care Bill (2012)

The Lords made 374 amendments to the Health and Social Care Bill. These were all agreed by the Commons, and the bill received Royal Assent in 2012.

Royal Assent – When the bill has passed both the Houses of Parliament, the Queen will give the bill Royal Assent. It will then become an Act of Parliament and, therefore, law. This stage is now a technicality, the last bill not to gain Royal Assent was under Queen Anne in 1708.

A* Zone

The last bill vetoed was the Scottish Militia Bill. This bill would have seen a militia established in Scotland due to the fear of French Invasion. However, Queen Anne was concerned that this very same militia might rebel against her.

In 1914 George V went as far as taking legal advice on refusing Royal Assent for the Government of Ireland Bill. This was the bill that intended to provide Home Rule for Ireland.

How do MPs vote in the House of Commons and House of Lords?

When a vote is called the Speaker will call a ‘voice vote’. MPs or Lords shout ‘aye’ or ‘nay’.

If the result is unclear, the Speaker will call a Division.

Bells ring out across the parliamentary estate (and in some local pubs!) and Members have eight minutes to make their way into the ‘aye’ or ‘nay’ lobby.

Their presence is recorded by **tellers**. This process is open, meaning MPs and Lords can be influenced by the whips, who can see which lobby they go in to.

After eight minutes the Speaker will shout ‘lock the doors’ and no more members will be able to vote. In total, from calling of a division to a result, the time elapsing is usually 15 minutes.

The result is then read out in the Chamber.

A* Zone

During parts of the Coronavirus Pandemic in 2020, Parliament moved to being a **Hybrid Parliament**. This meant that members could take part in the proceedings without having to physically appear in Parliament. MPs and Lords could give speeches from big screens erected around each chamber.

In addition, in May 2020, Parliament moved to Electronic Voting. MPs were able to vote electronically, rather than standing in divisions in Parliament. This is a system used in other Parliaments, including in the Scottish Parliament.

However, in June, the Government refused to hold a vote on extending the electronic voting system, with the Leader of the House of Commons, Jacob Rees-Mogg saying Parliament should vote in person.

Supporters of electronic voting have said it modernises the Houses of Parliament and allows more people to vote. Opponents have argued that electronic voting encourages half-thought votes, which exist without the debate and discussion that in-person voting inevitably brings.

How has the legislative process changed through time?

The Salisbury Convention – The Salisbury Convention was established between 1945 and 1951 and dictates that the House of Lords does not vote against an item that was part of the Government's **Manifesto**. The aim of this convention is to ensure that the will of the people is carried out by enabling the party that won the election to carry out their key policies.

A* Zone

During the Coalition Government from 2010-2015 there were question marks about whether the Salisbury Convention remained active. This was because the Coalition Agreement between the Conservatives and Liberal Democrats was an amalgamation of their respective manifestos, rather than something the public had voted for. Despite originally claiming it was still valid, in 2011 the government admitted that “with the advent of a coalition government the convention does not operate in the same way, if at all”.

Money Bills – Since the 18th century by convention the Commons hold **financial privilege**. This means that any bill which has the sole purpose of authorising spending, taxation or loans (a money bill) is not voted against by the House of Lords. A money bill is anything that in the interpretation of the Speaker of the House of Commons is concerned only with national taxation, the spending of public money or the sourcing of loans.

A* Zone

In 2015 the House of Lords voted by 289 to 272 to delay the Conservative Government's plans to reduce the amount poorer citizens could receive in tax credits. They said they were doing this until an independent study of the measure could take place.

However, the Conservative Chancellor of the Exchequer, George Osborne, accused Labour and Lib Dem Lords of breaching the Financial Privilege convention because this was primarily an issue of government spending. However, technically, the Lords voted against a 'statutory instrument', rather than a Finance Bill, meaning they had not breached the convention.

Parliament Acts (1911 & 1949) - The Parliament Act of 1911 and the Parliament Act of 1949 mean that any bill (except one to postpone a General Election) that passes the Commons in two successive Sessions can be presented for Royal Assent without the consent of the Lords, as long as certain time restrictions apply. This means that the House of Lords can now only delay a bill, not prevent it from passing.

However, it is important to note that the Parliament Act has only been invoked on four occasions:

- War Crimes Act 1991
- European Parliamentary Elections Act 1999
- Sexual Offences (Amendment) Act 2000
- Hunting Act 2005

Grand Committees – In 2015 a Grand Committee stage was established to deal with the problem of English Votes for English Laws. Any bill which is defined by the speaker to be an 'English-only' issue has an extra committee stage in which all 533 English MPs are entitled to attend. However, this process was discontinued in 2021 by the Conservative Government who admitted it had not worked as they wanted it to.

However, even since 2015, the addition of the Grand Committee stage has not stopped laws that only effect England from being prevented by MPs for the different nations of the UK.

Example of SNP Blocking ‘English Only Issue’

In March 2016 the House of Commons voted by 317 to 286 votes not to allow councils to extend Sunday Trading Hours. The SNP voted against the extension, even though the issue would not affect Scottish Councils. If the SNP had abstained, the motion would have passed.

The SNP were able to do this because other parts of the Enterprise Bill would affect Scotland. However, this certainly showed the limits of the EVEL system.

How does the Government carry out its legislative agenda?

Most bills put forward in the House of Commons are Government Bills. This is because the Government are granted most of the parliamentary time available.

Each year the government sets out the legislation it hopes to pass in the Queen’s Speech. When the government is considering legislation, it will go through a number of stages, before even introducing a bill in Parliament the Government will:

1. It will publish a Green Paper – The Green Paper is a consulting document in which the government will outline the broad idea of what it wishes to do. It will then take opinions and consultation from a wide variety of groups and individuals.
2. It will publish the White Paper – The White Papers are documents setting out details of future policy on a particular subject. A White Paper will often be the basis for a Bill to be put before Parliament.

There are a number of ways in which the Government can try to short-cut the legislative process:

- They can use their whips to make sure the Public Bills Committee quickly process the bill.
- They can limit the time available for a debate in the House of Commons.
- They can make concessions to win over backbenchers or members of the Lords.
- They can threaten the use of the Parliament Acts to pass the legislation.

Between 1945 and 2019 there were 19,919 divisions (votes) in the House of Commons. Of these, only 148 have been lost by the Government. This means 99.2% of all divisions were won by the Government.

What are the different types of legislation?

It would be impossible for all required legislation to be passed through an Act of Parliament. This is known as Primary Legislation. In fact, there are normally only around 60 Acts of Parliament that are passed each year. Instead, there are different types of legislation in the UK: Primary Legislation, Secondary Legislation and Statutory Instruments and Orders-in-Council.

Primary Legislation

An Act of Parliament is primarily legislation. Any piece of primary legislation must go through the full legislative process. As Parliament is sovereign any Primary Legislation passed cannot be overturned by any other body other than Parliament. In addition, the ‘doctrine of implied repeal’ means that if it conflicts with an earlier piece of legislation, it automatically is seen to take precedence over it.

Secondary Legislation

Secondary Legislation (also known as delegated legislation) is made by a person or body that have been delegated the power to do so by Parliament in primary legislation. Secondary Legislation is essential for the effective running of the government. It is simply not possible for Parliament to legislate through primary legislation for every decision that needs to be taken. This is where Secondary Legislation becomes so significant.

In 2011 Parliament passed the Charities Act. One of the aims of this Act is for Parliament to decide the rules of who can and cannot be a charity. It would clearly not be possible for Parliament to carry out a detailed consideration of every case itself. Therefore, it delegates its power to the Charities Commission. Section 23 of the Charities Act (2011) gives the Commission the power to remove the status of a 'charity' to any organisation that it believes does not meet the standards required.

Statutory Instruments

Statutory Instruments are the most common way that secondary legislation is enacted with around 3,500 being passed per year. Statutory Instruments are usually created by Members of Cabinet in order to delegate another body or person to carry out an action. Statutory Instruments are all recorded and are scrutinised by Parliament. Each Statutory Instrument is scrutinised either via an affirmative or negative resolution procedure.

Orders-in-Council

Orders-in-Council are decrees made by the Queen on the advice of the Privy Council. Importantly, it is through Orders-in-Council that the governments Royal Prerogative powers are used. For example:

- Appointment of Government Ministers
- Ordering of Military Action

These are often controversial as, unlike with all other forms of law-making, there is no parliamentary scrutiny (although the passing of a Statute would overrule an Order-in-Council).