

House of power westminster



' Parliament at Westminster remains the most powerful institution in UK politics.' To what extent do you consider this to be true?

This essay I am going to defend that Westminster is not the most powerful institution and in fact, it's dependant on the composition of the house of Commons for it is just an instrument to enact the wish of the political party in power. In this essay I am going to relate Westminster having the main role when controlling institution as a way to determine real power. In the first part of the essay I will establish relationship between the Executive powers, and how the structure of the secondary election of the Prime minister affects the power of Westminster. In the second part of the essay I will discuss the transposition of the European Union (EU) laws and how this reduces the reach of the legislative power in the United Kingdom legislative power in certain matters.

Legislative power is defined as the ability, skill, capability or authorization to carry out a specific legislative action,. Note that the uncodified constitutional configuration allows high regulation capacity because Westminster law become Constitutional Law. This kind of constitutional order permits an evolution in the same time of social thinking evolution, and adapt the social changes, such as changes from censatarian masculine suffrage (1831), and ultimately to universal suffrage(1970), or if the most recent devolution of powers to the nations inside the UK at the ends of 1997-98, all this crucial changes by the willingness Westminster. *UK constitutional practice is the product of an historical experience with laws, customs and conventions being added to and subtracted from it over time as circumstances dictate* (Politics and power in the UK, 2005, p. 19)

In addition it has also the ability, to reverse the changes and return to the absolute realm structure, although hardly on the political culture of citizenship possible, if it has the society will. This complete freedom to regulate could be the only point that could lead us to the conclusion of the supremacy of the legislative power.

While the capabilities or the legitimation of the legislative power are vested in Westminster, this is who lays down rules as an institution, is not who has the power. It is the instrument of the law enactment.

UK's unified parliamentary government facilitates the fusion of the executive (the government) and the legislature (parliament). UK politics are primarily conducted between the executive and the legislative branches,[...], the UK model of democracy facilitates executive dominance over the legislature (but provided the executive has a parliamentary majority)(Politics and power in the UK, 2005, p. 15)

The electoral system is the first point to considerate, is how the Westminster it is compose, the electoral system is characteristic of Majoritarian Democratic System, Single Member Plurality System (SMPS). This system brings an over representative of the big parties, and event in theory brings a territorial representationally, in our days of a mass media politics it just make easier to concentrate in one party all the electoral power. The actual Executive power it is a coalition of Two political parties, that situation it is an exceptional, *the UK's first peacetime coalition government since 1931 is a considerable departure from the UK norm* (Politics and power in the UK, 2005, p. 33), situation occurred just 3 times the last century.

Normally Labour party or the Conservative party won at least 326 SMP, number enough elected members to elect the leader of the political party as the Prime Minister. To prove the over representability we just need to see the last election, especially between labour party with 29% of votes have 258 SMP and Liberal Party with only 23%, only 6 points less, 57 SMP. And moreover Liberal party has lost 5 SMP even they won 1% more votes (BBC Electoral results).

In the UK politics the election of the executive power it is made through the secondary election, elected by the elected members of the House of Commons, and elect the head of the majoritarian party, or the majoritarian coalition, the Prime Minister. That circumstance makes that the theory of separation of power (The Spirit of the Laws, Montesquieu 1748) that defines liberal democracies have become weaker. It has become weaker because the theoretical check and balance it becomes an illusion in the political life.

The UK executive is empowered as a powerful government, even when it takes the unusual form of a two party coalition, thanks to the disproportional of the single member plurality system and the three party plus others system it now encourages. This executive, armed with a Commons majority, is therefore able, with parliamentary permission, to alter the constitution as it chooses and in ways electors tolerate. (Politics and power in the UK, 2005, p. 36)

The legislative power when there are a majoritarian party, with more than 326 SMP, have the Executive, and both follow the same agenda, or more exactly Westminster follows the directives of Whitehall and his agenda. And

that party have two of the three powers the political party become the most powerful institution in United Kingdom. Moreover if we considerate the *policy of the stick and carrot* (Politics and power in the UK, 2005, p. 26), punishing dissidence members through the party or reward him/her with honours and government jobs. The Executive control of elected members of his party and the fact of the Prime Minister is his political Party leader too, then he have two ways to influence and force the loyalty of his partners.

But, as I said, the party it's the most powerful power, and sometimes it's the political party in govern who force the executive, or the prime minister, to do some decision. For example we can see the govern of Tony Blair. He join the country in the Iraq's War, this situation with the time made loses to Labour party most of his electoral support, this fact force to resign the Prime Minister in favour of Gordon Brown in the summer of 2007, after bad results on local elections of 4th of May.(BBC T. Blair Time line) This replacement was the way to change the strategy and the perceptions of the electorate of the Labour Party, and recover the confidence lost during the last years of Blair's Government and the Iraq's war. Also Gordon Brown PM has to manage the international Crisis, and in the election of 2010 Labour party lost the majority in Westminster.

From another point of view of Westminster action is the result of the previous relation between the political parties, fact that easily we can see when there are an executives in coalition of political parties, as Whitehall have now with the Conservatives and Liberal parties in power, this coalition forge a defined political agenda before the election of David Cameron, and this agenda with the support of the parties is passing through it of the

parliament. This circumstance exemplify more the role of validate the previous agrees of the political parties.

As I said before Westminster is theoretically entitled to regulate freely. But from the UK integration to the European Economic Community in 1973, which was later constituted as the European Union that. EU as a multi-state structure regulates certain matters of regulations (Politics and power in the UK, 2005 , p. 68-69), in the case of second-rank ordering directly applicable to United Kingdom law, as based on the legal basis of the development of a treaty approved and ratified by the parliament itself.

The European Communities Act 1972 (ECA) allows EC specified instruments to become part of UK law without the need for separate enactment of each and every EC instrument. Section 2(1) of the ECA gives the statutory authority for Treaty provisions and directly applicable secondary legislation (e. g. regulations) automatically to have legal effect in UK domestic law without further enactment . (p. 89 Comparative Study on transposition of Ec Law, June 2007)

Despite this habilitation by way of treaties is in practice a normative power loss, an alien subjugation on regulatory and legal system, and in consequence broke the theory freely of Westminster generated by the uncodificate constitution.

The negotiation the regulations depending upon the matter is carried to treat the ministers, depending on their portfolio at the European Council of Ministers meetings. Or the importance of the subject by the own prime minister to European Councils. Furthermore, together with the agreements <https://assignbuster.com/house-of-power-westminster/>

and later to assessments among ministries, and also departments transpose the European legislation generated by the European institutions, which rests in the hands of ministers or cabinet, except in cases of assuming of obligations in cases affecting rights previously acquired by the public or the state, in this case the rule will require a complement of Westminster

United Kingdom the vast majority of EC legislation is enacted by Statutory Instrument under Section 2(2) of the European Communities Act 1972. This Section confers authority on ministers, Government departments or Her Majesty in Council to make, with certain exceptions, subordinate legislation “ for the purpose of implementing any Community obligation of the United Kingdom”. Subordinate legislation made under this section can repeal or amend existing legislation if this is incompatible with EC law. (p. 11 Comparative Study on transposition of Ec Law, June 2007)

Given that treaties with was Lisbon Treaty (2007), or even was the Maastricht Treaty (1992) form United kingdom *de facto is* constitutional encoded country, and a country that explores the progressive tendency of continental integration and harmonization.

In conclusion Westminster have no limitations to legislate whatever thinks the society need, but how works the relation between legislative and executive make that the legislative production follows the directives of Prime Minister and the executive. This situations are accentuate by the concentration of power of majoritarian democratic system, because the representation is concentrate by SSMP as a way to become over-represented

the Conservative Party and Labour Party, and this political parties control executive and legislative branches.

Since 1973, and progressively more, the EU have increased the power and control over the states, specially in matter of agriculture and economics, but since the Lisbon Treaty and the failed European Constitution, the tendency is harmonization of all states in the union. For another hand, UE is the union of states, and the legislation is make by executives, and transposed by executives, reducing also the power of Legislative Power.

With the arguments submitted can be concluded that the theoretical power of Westminster significantly lower than really have, even have capacity haven't iniciatve. .

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