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| **Key arguments and theories**   1. Has constitutional reform gone far enough? 2. Do we need a codified constitution? 3. Should the UK become a Federal Nation | **Examples from over time**  1. MC 1215  2. HRA 1998  3. Scotland and Wales Act 1998  4. Scotland Act 2016  5. Equal Franchise act 1928  6. Fixed Term Parliament Act 2011 | 7. Freedom of Information 2000  8. Common Law  9. Royal Prerogatives  10. Factortame  11. Asymmetric devolution  12. EVEL | 1. **Codified – single written document** 2. **Conventions – considered binding but not a law** 3. **Acts of Parliament 1911 and 1949 – limited the power of the house of Lords** 4. **E.C 1972 – brought the UK into the EC** 5. **European Act 2017 – parliament consented to withdraw the UK from EU** 6. **Entrenched – rules are safeguarded and thus difficult to change** 7. **Parliamentary sovereignty – established in 1689 – parliament is supreme** 8. **Fixed Term Parliaments Act 2011 – 5 year terms** 9. **Referendums – a vote held among the electorate to resolve an important issue** 10. **Unitary – central body** 11. **Federal – divided sovereignty** 12. **Devolution – sharing of powers** |
| **Judgement 1**  To test this - criterion must be used – democratic, modern, protects rights and limits a central government.   1. Labour Reforms to be consider – HOL, Constitutional reform, electoral reforms, devolutions, freedom of information, Human Rights Act. Parliamentary reforms did indeed modernise to some extent and limit the number of hereditary peers but it did not reform the roles and of the Lords and left an unelected and now bulging body in place. The commons now have powerful committees to scrutinises and thus limit the executive which is good for democracy – they are elected by members. The introduction and codification of human rights gave power to the people and includes 18 articles which the UK government adheres to, this better safeguards the people – the UK had been brought before the ECHR 50 times since 1966. MRA led to active citizenship. Electoral reform did not really change anything – votes at 18 as before and no change to the electoral system in the UK – postal voting was introduction. Freedom of information did give citizens access to their information. Finally, the constitutional reform act meant a separation of powers and greater belief in the independence of the SC 2. Coalition reforms include – AV referendum, Fixed Term parliament act, elected mayors, further devolution outside London, Police commissioners, Recall of MPS. 3. Conservative government reforms – Scottish referendum, EU referendum, Scotland Act 2016, Further powers to Wales and Brexit. | **Judgement 2**  Consider the five sources of power and whether the system we have given too much power to the executive. As a unitary system with fusion of powers an uncodified constitution enables the executive to control the legislative. Also, because we are an evolutionary and not an entrenched system then a simple vote in the commons can make or break laws. Also, sovereignty has changed – our joining of the EU and the 1991 Factortame case gave EU law precedent. Prior to this when the monarchy was absolute, parliament was merely an advisor. In 1689, parliament now had more power than the monarchy. In 1911, The Commons became the source of sovereignty with the Lords merely a sounding board who would rubber-stamp legislation. In recent times with devolution the location of sovereignty has once again become muddier. The case for codification is clear – it ensures a limited government, power in the hands of the people and a system in which we know how to act and react. However, an entrenched system does make the role of government one in which it cannot respond easily to change and legislation could be left lingering that negatively affects the people. It would make party politics less important because the parties, even when the government body would not be easily able to fulfil their manifesto. We would have a system of gridlock. | | **Judgement 3**  Federalism vs devolution. Devolution in the UK is asymmetric and some would argue we are a quasi-federalist system   * Scotland has powers in all areas bar defence and nuclear energy * Sovereignty remains in Westminster but parliament must seek approval from Scotland to take any powers back – hence quasi-federal * Administrative powers have been devolved to regional and city areas * Greater London authority runs London separately from the national government with a mayor and administrators * Financials powers – still have funds available from central government – in recent years with the ability to collect taxes – any shortfall as outlined by the Barnett formula is given from central government * No English parliament and thus no federalism – seemingly addressed with the introduction of EVEL in 2015 – system imposed as defined by the Speaker. A more radical solution to the question – an English parliament for English matters only. * Asymmetric devolution creates tensions between different nations in the UK * Codified federalism would lead to a more equal relationship but cause issues when it comes to party politics – what issues would be discussed at a national level. Also, where would people go to if they had issues; would things get resolved. * Scottish independence referendum should have put nationalism to rest but still calls and SNP have a majority in Scotland. Declining support on a national level with a reduction of MPs from 2015 - 2017 |