

Table 1.1 The development of the UK constitution

Date	Event	Date	Event
924–1066	Development of the witan (the council of the Anglo-Saxon kings), trial by jury and habeas corpus	1800	Acts of Union create the United Kingdom of Great Britain and Ireland
1066	Norman invasion of England and building of Westminster Hall begins	1832	Great Reform Act
1215	Signing of Magna Carta Beginning of the House of Lords	1867	Second Reform Act
1275	Beginning of the House of Commons	1872	Ballot Act
1327	Edward II removed as king by parliament	1883	Corrupt and Illegal Practices Act
1534	First Act of Supremacy	1885	Redistribution of Seats Act (Third Reform Act)
1559	Second Act of Supremacy and the introduction of the Oath of Supremacy	1911	Parliament Act reduces the power of the Lords
1603	James VI of Scotland becomes James I of England	1918	Representation of the People Act gives all men and some women the right to vote
1642	Start of the English Civil War	1921	Anglo-Irish Treaty leads to an independent Ireland and the establishment of the United Kingdom of Great Britain and Northern Ireland
1649	King Charles I tried and executed by parliament	1928	Representation of the People Act gives all women the right to vote
1660	Restoration of the monarchy	1949	Parliament Act further reduces the power of the Lords
1688	Glorious Revolution	1969	Representation of the People Act lowers voting age to 18
1689	Bill of Rights	1972	European Communities Act
1701	Act of Settlement		
1707	Act of Union creates the United Kingdom of Great Britain		

## Anglo-Saxon institutions

### Key terms

**Habeas corpus** A process in law which means a person can appeal to the courts against unfair or illegal imprisonment.

**Trial by jury** The idea that a group of twelve peers would hear the evidence in a case and decide if the accused was guilty.

**Trial by ordeal** The medieval practice of putting the accused through an ordeal to determine guilt, such as burning their hand and waiting to see how well it healed.

As England came into existence from a series of smaller kingdoms under the Anglo-Saxons, three key elements emerged that would have profound effects on the development of politics in the UK:

- the witan
- the principle of **trial by jury**
- **habeas corpus**

The witan was a council that advised the king on taxation and military matters. Although not a parliament as we would understand it today, it established the principle that the king of England should consult with the lords before taxing and commanding the people. It was also the job of the witan to decide who should be king.

The principle of trial by jury was the Anglo-Saxon legal principle that any noble accused of a crime should be tried a jury of peers. The king would determine the sentence, but guilt was decided by the deliberation of his fellow lords. Elsewhere in Europe, guilt was often determined by a decision of the king or through **trial by ordeal**, but England was governed by law and the power of the monarch was limited.

The principle of habeas corpus meant that a prisoner had the right to appeal to the courts against unfair or illegal detention. This meant that even

the lowest ranked citizen could appeal to the law about unfair punishment and imprisonment. In this sense, the weakest in society were protected by the rule of law against unfair treatment by the strongest.

Although these three aspects of Anglo-Saxon society were challenged and ignored in the years immediately after the Norman Conquest, they became the underpinning of the revolt of the barons in 1214 and later still became the founding principles of the UK constitution when it emerged.

## Norman and Angevin rule



Under the feudal system nobles had to swear an oath of loyalty to the king

From the Battle of Hastings in 1066 until the signing of Magna Carta in 1215, England was run as a feudal system. This meant the king effectively owned all the land and everyone had to swear an oath of loyalty or 'fealty' to him. The king would give land to the nobles who would use knights to manage it for the king. In return, the nobles would supply an army to the king if the country needed it. Over time, rather than supply an army, the nobles began to supply cash instead. To work out what the nobles owed, the king's chancellor would use a huge chequered mat (like a giant chess board) to calculate the amount of money owed, hence the title the '**chancellor of the exchequer**'.

### Key term

**Chancellor of the exchequer** The government official responsible for calculating, collecting and distributing government funds through taxation and duties.

As well as being king of England, most kings — from the Norman Conquest of 1066 until the end of the Angevin empire with the death of King John in 1216 — were also lords in France, owning Normandy, Anjou and Aquitaine. As such, the kings were often absent and would leave their nobles — chief ministers — to run England while they were away. These chief ministers were nothing like modern prime ministers, but they helped to establish the principle of royal powers being exercised by someone nominated by the king.

Finally, the absence of the king meant he could not be relied on to preside over court proceedings and dispense justice. To combat this, he would appoint justices of the peace, or judges, who would travel the country and hear cases on behalf of the crown. This marked the beginning of the English legal system, and many of the common-law principles that were established then continued to exist in UK politics until fairly recently.

## Magna Carta

Unlike his immediate predecessors, King John (1166–1216) was seen as a ruthless and ineffective king. The English nobles resented him raising money in England to fund wars in France, as well as his abuse of royal powers, his conflict with the Church and his arbitrary abuse of the justice system for his own ends.

By 1214, these issues had come to a head and the barons of England revolted against the king. The nobles referred to the Anglo-Saxon

principles of the witan and habeas corpus as limits on the power of the monarchy. They even went so far as to offer the crown to Prince Louis of France. This revolt led to the defeat of the monarchy and John was forced to sign a great charter, or 'Magna Carta', at Runnymede in Berkshire.

## Key provisions of Magna Carta

Magna Carta guaranteed the freedom of the Church from royal interference (Clause 1) and curbed the powers of the king:

- The king could not raise a tax without the consent of the people (Clause 12).
- The right to due process in the law was guaranteed (Clause 29).
- The right to trial by jury was guaranteed (Clause 39).
- Justice had to be free and fair (Clause 40).
- The nobles could select a committee of 25 to scrutinise the actions of the king (Clause 61).

Magna Carta was the first time since 1066 that the powers of the monarch had been limited and it was an acknowledgement that the rights of the lords had to be respected. There were 63 provisions in total, mostly concerning the rights of the nobles to be consulted about taxation and about the legal protection they had from the power of the monarchy. By consolidating these Anglo-Saxon principles into a formal legal document, the lords created the first part of the UK's constitution and established the first formal limits to the power of the monarchy. Magna Carta also paved the way for the creation of parliament.

## The creation of parliament

### Key terms

**House of Commons** The chamber where elected members of the UK Parliament sit.

**House of Lords** The second, unelected, chamber of the UK Parliament.

**Palace of Westminster** Originally the royal palace attached to Westminster Hall, today it is the seat of government and comprises Westminster Hall, the House of Commons and the House of Lords.

**parler** A French term meaning to speak or converse.

**Parliament** The British legislative body that is made up of the House of Commons, the House of Lords and the monarchy.

**Westminster Hall** A large chamber in Westminster where the early Norman kings would meet with the nobility.

The right of the nobles to be consulted on the king's demands for tax to defend England, the right to air their grievances to the king and the right to have a committee to scrutinise the actions of the monarch meant the nobles had to be consulted regularly — this was effectively the creation of the **House of Lords**.

In 1275, King Edward I required money to fight against Scotland. Knowing the lords would object to this, he sent out writs demanding that each shire and each town elect two representatives from among the knights and burgesses (town officials) to join with the lords in voting to authorise the king's demands for taxation. The knights agreed and they, too, were regularly consulted by the monarch. Not being noble, the knights and burgesses were classed as 'commoners' — this was effectively the creation of the **House of Commons**.

Both the Lords and the Commoners met to **parler** with the monarch at **Westminster Hall** in the **Palace of Westminster**. Therefore, the Palace of Westminster became the **parliament** where the lords and the representatives of the knights met to discuss their grievances with the monarch and confirm or deny the monarch's requests for tax reform. This is where the concept of parliamentary democracy began.

In 1327, following a period of civil war, King Edward II was formally removed by parliament on the basis that his personal faults and weak leadership had led to disaster in England. Parliament chose to replace

him with his son, Edward III. This established the principle that the government, in the form of the monarch, was answerable to parliament and could be removed by parliament.

## The journey towards parliamentary sovereignty

### Key terms

**Acts of Parliament** Laws that have been formally passed by parliament and given royal assent by the monarch.

**Codified constitution** A single, authoritative document that sets out the laws, rules and principles by which a state is governed, and which protects the rights of citizens.

**Sovereignty** The control of power and the ability to distribute and reclaim it in a political system.

Most legislative chambers in the world have powers over taxation but few hold **sovereignty** in the way that the UK system does today. Sovereignty usually resides in the constitution, especially if it is a **codified constitution**. While the lack of a codified constitution explains why the UK does not have a sovereign constitution, it does not explain why parliament should be sovereign.

The idea of parliamentary sovereignty began with King Henry VIII. To justify his break with the church in Rome and change religious practice across England and Wales, Henry used legislation, or **Acts of Parliament**, saying that the changes had been approved by the will of the people and should therefore be respected. Henry forced the members of parliament to pass the Acts he wanted but his repeated statements that parliament — as the representatives of the people — had the power to approve the actions of the king established the idea of parliamentary sovereignty. This became a major issue during the English Civil War.

## The monarchy and parliament clash: the English Civil War

Between 1603 and 1642, tension increased between the monarchy and parliament over who held power. This came to a head in 1642 when the king declared war on parliament. There were many factors at work during the English Civil War but the main ones concerned the nature of power and the resulting conflicts between King Charles I, who believed that he had a divine right to run the country as he wanted, and parliament, whose members believed the monarchy had to consult them and listen to their grievances following Magna Carta and Henry VIII's use of parliament to justify his actions.

The English Civil War was won by parliament when the royal forces were defeated at Naseby. Parliament put King Charles I on trial as a traitor and ruled that he was guilty and should be executed, thus establishing the supreme authority of parliament over the monarchy. From 1653 to 1658, England was ruled as a republic under the strict military rule of Oliver Cromwell. This nature of rule proved unpopular, so when Cromwell died and his son failed to be an effective leader, parliament elected to restore the monarchy with limited powers.

## The Bill of Rights

The year 1660 saw the restoration of the monarchy, initially under Charles II and then under his brother, James II. The restoration was passed by parliament, meaning it had decided to accept Charles II as the legitimate king of England. However, Charles and James both attempted to rule as absolute monarchs with a divine right, which created tensions with parliament.

**Key term****Declaration of Rights**

A statement of the rights of the subject which also declared that the monarch could not act without the consent of parliament.

In 1688, the invasion of William of Orange, who claimed the English throne through his wife Mary, became known as the Glorious Revolution. Faced with this and mounting opposition, King James II resigned the throne.

As MPs debated a replacement for James, William of Orange threatened to abandon the country if he was not made king. A Convention Parliament was called and it drafted a **Declaration of Rights**. This was presented to William and Mary when they were offered the crown and the declaration was read aloud at their coronation.

The Declaration of Rights was modified in 1689 and placed on the statute book as the Bill of Rights (see Table 1.2). The bill was heavily influenced by the political philosopher John Locke, who believed that government existed as the result of an agreement between the people and the monarch. Far from the monarch having absolute power, Locke believed the people were entitled to freedom from the government and that this should be protected by law.

**Table 1.2** Key provisions of the Bill of Rights, 1689

Provision	Effect
The suspension or execution of laws, without parliamentary consent, was made illegal.	Only parliament could pass or remove laws.
The levying of money for the crown through prerogative and without consent of parliament was made illegal.	Only parliament could raise money for government expenditure.
Subjects were given the right to petition the king.	People could complain to the monarchy through parliament.
Raising or keeping an army in peacetime, unless by the consent of parliament, was made illegal.	Only parliament could raise and maintain an army during peacetime.
Members of parliament must be elected in free elections.	The principle of free elections away from government influence was established.
The impeachment or questioning of debates and proceedings in parliament was made illegal in any court or place outside of parliament. Freedom of speech was protected.	The parliamentary privilege of being able to say things in the chamber of the House of Commons without fear of prosecution was established, in order to allow for full and open debate.
Imposing excessive bail or excessive fines was made illegal. Cruel and unusual punishments were made illegal.	The judicial power of the monarchy was limited and the court system could not be abused by the executive.
Parliaments were to be held frequently.	The monarch could not simply ignore parliament by refusing to call it.

**Synoptic links****The UK and US constitutions**

The framers of the US Constitution modelled many of its features on the British constitution. Key elements of the American Bill of Rights (the first ten amendments to the Constitution) were based on the English Bill of Rights.

Study the American Bill of Rights and try to identify which clauses were based on the English Bill of Rights. Were there any other principles from the English political system that the USA may have tried to replicate? Why do you think this?

The Bill of Rights was a major milestone in the development of the UK's constitution.

- It removed royal interference in elections.
- It placed limits on the use of the royal prerogative.
- It established the legal position of the army.
- It established key principles of rights or freedoms from the government.
- It formally established the principle of parliamentary sovereignty.

However, there were also problems with the bill:

- The rights were vague and could be easily reinterpreted.
- The precise definition of 'free elections' was unclear.
- As a statute law it held no higher legal authority and so could be easily repealed or replaced by a future parliament.
- There was no formal procedure for removal of the monarchy.
- The monarch still held enormous powers over war, the peaceful running of the kingdom and foreign policy.

# The Act of Settlement 1701

The Act of Settlement in 1701 marked another step in the changing relationship between the crown and parliament. When it became clear that neither William III nor his heir, Queen Anne, would have any children, the succession should have gone to one of the heirs of James II or Charles I. However, these heirs were Catholic and the Protestant Westminster parliament objected to a Catholic monarch. The Act of Settlement was passed to settle the succession problem and parliament decided to offer the throne to George of Hanover. While there were nearly 50 closer relatives to Queen Anne, George was chosen as the closest relative who was not a Catholic, despite having never been to England and not being able to speak a word of English.

So when George I became king in 1714 it was the result of an Act of Parliament, not through any divine right of inheritance. In addition to granting parliament the power to choose the monarch, the Act of Settlement also established several principles that had been suggested during the debates over the Bill of Rights:

- Judges could not be removed without the consent of parliament.
- Royal pardons were to be irrelevant in cases of impeachment.
- The monarch could not take England into a war to defend their home country, without the consent of parliament.
- In governing Britain, the monarch could not make decisions alone and had to consult the full **Privy Council**.
- No foreign-born man could join the Privy Council, sit in parliament, hold a military command or be given lands or titles in Britain.
- The monarch had to be a member of the Church of England.
- The monarch could not be Catholic or married to a Catholic.

## Synoptic links

### The prime minister's power of patronage

Today, the prime minister can appoint any MP or peer to the government. A return to the principle of cabinet appointees having to stand again in a by-election would limit the power of the prime minister and perhaps force MPs to consider the wishes of constituents rather than seeking career advancement, thus improving democracy. However, it may lead to a less effective government and make the prime minister unwilling to make necessary changes to the cabinet.

## Key term

**Privy Council** A group of senior political advisors who have the job of advising the monarch on the use of the royal prerogative.

The Act contained a provision that, after the death of Queen Anne, 'no person who has an office or place of profit under the king, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons'. Had this clause not been repealed by the Regency Act of 1706, the UK would have seen a strict separation of power and the idea of cabinet government would not have become established.

After the Act of Settlement, anyone appointed to the cabinet had to resign their seat in the House of Commons and stand in a by-election, a practice that continued until 1918. This meant the power of the monarch, and then the prime minister, to appoint cabinet ministers was limited by the fear of losing a by-election.

The Act also established the principle that the monarch could only choose ministers who could command a majority of support across both Houses of Parliament. This meant the king had to choose a 'king in parliament' who could control both chambers, rather than appointing the minister of his choice.

## Debate

**Did the Bill of Rights and Act of Settlement mark a significant change in the power of parliament?**

**Yes**

- The monarch was now of parliament's choosing, rather than ruling through divine right.
- They established the principle of regular and free elections.
- They restricted the monarch's ability to interfere with laws.
- They meant taxation could only be passed by parliament.

**No**

- Parliament remained only advisory in nature.
- The monarch remained the dominant force in British politics.
- Parliament itself only represented the wealthiest 2% of the country.

## The creation of the United Kingdom

England and Wales had developed as one country since the conquest of Wales by Edward I in the 1270s. Wales still retained its own language and customs for many years, but politically it was run from Westminster and was often referred to as part of England, though, more accurately, England and Wales together were 'Britain'. Scotland remained an independent kingdom until 1707, with its own monarch, laws and institutions.

In 1603, King James VI of Scotland became King James I of England. The two kingdoms were still legally separate but they now shared the same head of state, which brought a period of peace and stability to Anglo-Scottish relations.

In 1155, Pope Adrian IV had offered the crown of Ireland to King Henry II if he could bring the Irish under control. Following his own break with Rome in the sixteenth century, King Henry VIII began a more formal subjugation of Ireland, first by persuading the Irish Parliament to pass the Crown of Ireland Act in 1542. This formally made the Kings of England also Kings of Ireland.

Therefore, by the start of the eighteenth century, the same monarch ruled the three separate kingdoms, but England (and Wales), Scotland and Ireland all had separate parliaments, laws and customs, and were still separate countries.

### The Acts of Union

#### 1707

The Act of Settlement allowed the English Parliament to decide who should be the monarch in England and there was a real possibility that the Scottish Parliament might choose a different monarch to rule their country. This would lead to the breakup of the informal union between the two kingdoms and the possibility of future wars.

In 1698 and 1699, Scotland attempted to establish its own colony in Panama in the Gulf of Darien. The expedition proved disastrous and effectively bankrupted the country. Urged on by King William III, the Scottish Parliament was forced to accept terms from the English

Parliament that would give Scotland a limited voice in Westminster, or face the threats of financial disaster, internal division, commercial blockade and war.

The Scottish Parliament passed an Act accepting the union with Britain in January 1707 and the British Parliament passed its own Act of Union in March, accepting jurisdiction over Scotland and Scottish representation in parliament. These Acts of Union dissolved the Scottish Parliament and, when the first unified parliament met in Westminster on 1 May 1707, the new country of Great Britain was formally recognised by statute.

## 1800

In 1782, Ireland had gained effective legislative independence from Great Britain with its own constitution. However, only Protestants could hold political power, meaning the Catholic majority was largely excluded. This led to a Catholic uprising in 1798 and an appeal to the French to invade the country. The uprising was brutally suppressed, but with the continuing threat of invasion, the Great British Parliament and Protestant Parliament of Ireland agreed to form a formal political union to guarantee future security.

On 2 July 1800, the Westminster parliament passed the Union with Ireland Act. This was followed by the passage of the Act of Union (Ireland) by the Irish Parliament on 1 August. The Acts came into effect on 1 January 1801 and saw the introduction of 32 Irish peers to the House of Lords and 100 new Irish MPs, all of whom had to be Anglican (i.e. members of the Protestant Church of Ireland). These Acts created the new United Kingdom of Great Britain and Ireland.

## The Anglo-Irish Treaty, 1921

Following years of pressure for Irish Home Rule and a civil war in Ireland, the British parliament passed the Government of Ireland Act in 1920 to create two Irish regions with 'Home Rule' — the six northeastern counties formed Northern Ireland and the rest of the country (the larger part) formed Southern Ireland. In 1921, the Anglo-Irish Treaty was signed by the British prime minister, David Lloyd-George, to formally create the Irish Free State. The six counties of Northern Ireland opted to remain part of the United Kingdom and so the United Kingdom of Great Britain and Northern Ireland was established.

## The Parliament Acts

### 1911

From the time of the Act of Settlement until the mid-nineteenth century, the Lords had been the dominant force in UK politics, seen as a moderating force between the crown and the House of Commons. Most prime ministers had sat in the House of Lords, as had most leading statesmen. However, the rise of democracy in the UK meant that the status of the Lords as the 'upper' chamber was being increasingly challenged:

- Lord Salisbury stepped down as prime minister in 1902, becoming the last person to serve as prime minister while sitting in the Lords.
- In 1888, the Lords had lost power to the new county councils, which took over the role of running the shires.



### Synoptic links

#### Prime minister, cabinet and parliament

The reduction in powers of the House of Lords means there is no effective check on the power of the House of Commons. Is it better to have an all-powerful House of Commons that can get things done, or to have an effective second chamber that can act as a check on governmental power?

- Opposition grew over the fact that the Lords had an inbuilt Conservative majority, thanks largely to hereditary peerages, and could block any measures taken by reforming parties.
- The Lords defeated the Liberal Party's 'People's Budget' in 1909 because revenue was to be raised by taxes on land and inheritance in order to fund welfare programmes. This would have impacted directly on the Lords.
- In January 1910, the Liberals appealed to the country and won a decisive general election based on their financial measures. The 'People's Budget' was accordingly passed by both chambers.

To prevent the Lords from ever again rejecting a proposal that had popular support in the democratically elected House of Commons, and in order to establish the primacy of the Commons through statute law rather than via a convention, prime minister Herbert Asquith introduced a bill in 1910 that would:

- give the Commons exclusive powers over money bills
- allow the Lords to delay a bill for 2 years only
- reduce the duration of a parliament from 7 to 5 years

Another general election was held in December 1910 and the Liberals again secured a majority and went on to pass the Parliament Act in 1911.

A government needed the Lords to vote for an Act of Parliament in order for it to be passed. Any reform of the upper chamber meant that the Lords would have to vote to restrict their own powers. This did not look likely until Asquith persuaded the king to threaten to create enough new Liberal peers to flood the chamber and create a Liberal majority. The threat did the trick and the Lords passed the Parliament Act by 17 votes, confirming their lack of power over money bills and to veto legislation.

While the restriction in the powers of the Lords was a step forward for democracy in the UK, the removal of an effective second chamber created the opportunity for elective dictatorship, where a party with a clear majority would have no institution able to withstand it.

### 1949

The 1949 Parliament Act resulted from a conflict between the Labour government of Clement Attlee and the Conservative-dominated House of Lords. The Lords had voiced strong opposition to the nationalisation programmes of Attlee's government. To prevent the Lords from blocking the Iron and Steel Act, the Labour-controlled Commons attempted to pass a new Parliament Act in 1947 which would reduce the time by which the Lords could delay legislation from 2 years to 1 year, or two parliamentary sessions. The Lords voted against the Act and, after 2 years, the Commons invoked the 1911 Parliament Act to bypass the Lords and force through the legislation.

Unlike the 1911 Parliament Act, which had been passed by the Lords, the 1949 Act did not have the consent of the Lords. In 2004, this led to a legal challenge by the Countryside Alliance, which claimed the 1949 Act was invalid on the common-law principle that a delegate cannot enlarge his power (*delegatus non potest delegare*). This was rejected by the

judiciary as the 1949 Parliament Act is statute law and therefore takes priority over any other form of law.

The two Parliament Acts marked the formal shift in power in UK politics from the House of Lords to the House of Commons. The removal of the Lords' power to veto primary legislation introduced in the Commons, its loss of power over money bills, and the reduced time for delaying legislation have made the Lords a much weaker second chamber.

## The European Communities Act

The European Communities Act of 1972 was passed by parliament in order to allow the UK to join three European institutions:

- the European Economic Community (EEC) (the Common Market)
- the European Coal and Steel Community
- the European Atomic Energy Community

The Act also allowed EEC law to become part of domestic law in the UK, with immediate effect. This meant that laws passed by the EEC (and later the European Union (EU)) would take effect automatically in the UK, without the need to pass new statute laws and therefore without parliamentary approval. The Act also stated that no UK law could conflict with European law. This meant that EU law had priority over UK law and that the court system could strike down statute laws passed by parliament.

The European Communities Act therefore marked the first time since Queen Anne vetoed the Scottish Militia Bill in 1708 that another institution took priority over parliament. The challenge to parliamentary sovereignty covered several aspects:

- The European Communities Act was, effectively, binding on future parliaments.
- EU law could take priority over statute law.
- Statute law could be struck down by the courts if it was incompatible with EU law, a principle confirmed by the *Factortame* case in 1991.

Despite this, it can be argued that parliament has remained sovereign since:

- The European Communities Act was itself a statute law passed by parliament.
- Parliament chose to accept the primacy of EEC (EU) law, which meant that parliament had chosen to pass sovereignty to the EEC (EU).
- Court rulings to strike down UK law are passed based on UK statute law.

### Synoptic links

#### The European Union

For more information and details about the EEC (EU) and how membership has affected democracy in the UK, refer to the chapters on democracy (Chapter 9) and the European Union (Chapter 8).

### Debate

#### Did UK membership of the EEC (EU) end parliamentary sovereignty?

##### Yes

- EEC (EU) law takes primacy over UK law.
- UK law must comply with EEC (EU) laws.
- The courts can strike down statute laws if they are incompatible with EEC (EU) law.

##### No

- Parliament can repeal the European Communities Act.
- Parliament chose to pass power to the EEC (EU).
- Membership of the EEC (EU) has limited the sovereignty of parliament but it was a limit that parliament chose to impose on itself and can choose to remove through repeal of the European Communities Act.

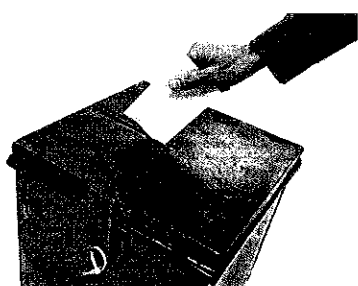
**Activity**

Leaving the EU should be a simple matter of repealing the European Communities Act, but is it that simple?

- The decision to leave was made by a referendum, not by parliament.
- It is up to the prime minister, after getting permission from parliament, to trigger Article 50 to formally leave the EU.
- The negotiations to leave the EU will be conducted by the European Union and parliament can only accept or reject the terms offered.

Carry out some research into the process of leaving the EU as established by the Supreme Court and consider whether the process for leaving shows that parliament is still sovereign or whether that sovereignty has been lost.

## The rise of democracy in the UK



From 1832 until 1969, Britain saw a huge growth in democratic representation

While much of the political history of the United Kingdom has been about the transfer of power from the monarch to parliament, it was not until the nineteenth century that issues relating to democracy and representation became prominent. Before 1832, the Lords was clearly the dominant house, with the Commons representing less than 2% of the population. There were elections, but these were often undemocratic affairs, with rotten boroughs, multiple votes and only the wealthiest of landowners entitled to vote for members of the House of Commons.

From 1832 until 1969, Britain saw a huge growth in democratic representation, with the electorate growing from 2% to full universal adult suffrage (see Table 1.3). This growth in democracy led to the shift in power from the Lords to the Commons.

**Table 1.3** Reforms to extend the franchise

Extension	Who could vote	Size of the electorate (as a percentage of the adult population)
Great Reform Act 1832	Anyone who owned property worth more than £10 (the middle classes)	8%
Second Reform Act 1867	Anyone who paid rent worth at least £10 a year or owned a small plot of land (the urban working classes and rural middle classes)	16%
Redistribution of the Seats Act 1885 (Third Reform Act)	Extended the franchise to agricultural labourers (the rural working class)	28%
Representation of the People Act 1918	All men aged over 21 and women aged over 35	74%
Representation of the People Act 1928	All men and women aged over 21	96%
Representation of the People Act 1969	All men and women aged over 18	97%

Furthermore, the nineteenth century also saw significant reforms to the way elections were held and seats were allocated, making representation across the UK fairer (see Table 1.4).

**Table 1.4** Reforms to the conduct of elections

Reform	How it changed British democracy
Great Reform Act 1832	Rotten boroughs were abolished and more seats were allocated to the new industrial towns.
Ballot Act 1872	Introduced the secret ballot to prevent voter intimidation and reduce corruption.
Corrupt and Illegal Practices Act 1883	Rules were established for how much a candidate could spend and what they could spend the money on in a campaign, in order to reduce bribery in elections.
Redistribution of Seats Act 1885	This reallocated 142 seats from the south of England to the industrial centres of the north and Scotland, breaking the traditional dominance of the south of England in Westminster politics.

### What you should know

- British politics is rooted in its history. For more than a thousand years it has developed and evolved into the modern system of constitutional monarchy and a sovereign parliament that we have today.
- Many of the key principles of British politics have been present to some degree throughout its history. The idea of a group of representatives of the people who meet regularly, discuss what is best for the common good and advise the monarch has been present since Anglo-Saxon times.
- The principle of the rule of law with trial by jury and habeas corpus has curbed the power of tyrannical monarchs and ensured judges have had a role in protecting rights and liberties to some degree for much of British history.
- Even the idea of people choosing their representatives has been present, in some form, for much of this history.
- As such, the ideas of representation, parliamentary power, scrutiny of the government and, above all, a society governed by laws, have existed in Britain since Anglo-Saxon times.
- These core principles have been present throughout British history but several things have changed dramatically over time: the way the core principles are exercised, the balance of power between different aspects of politics, the way the core principles are interpreted, and the very makeup of the United Kingdom itself.
- Sovereignty has passed from the monarchy to parliament and then been shared, to some degree, with other institutions. The monarchy today has very little power. The Lords is no longer the senior House in parliament, as the Commons takes the lead in representing the people.
- Perhaps the greatest and most important change has been the development of democracy and representation. The debates, decisions and actions of parliament and the government are now public and the process of elections has become more free, more fair and far more open to ordinary men and women.
- The people who choose their representatives are no longer a small group of wealthy and privileged men, but almost everyone over the age of 18, regardless of wealth, race or gender, making the UK a modern democracy, despite its traditional institutions.
- An understanding of this history, and the continuity and changes that have occurred, will help you to appreciate the way in which modern politics works, the United Kingdom's unique institutions and the issues which lead to many of the ideological, constitutional and social debates of today.